



**United States
Environmental Protection Agency**

FISCAL YEAR 2020

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

Tab 09: Inland Oil Spill Programs

**Environmental Protection Agency
2020 Annual Performance Plan and Congressional Justification**

Table of Contents – Inland Oil Spill Programs

Resource Summary Table	520
Program Projects in Inland Oil Spill Programs.....	520
Compliance	521
Compliance Monitoring.....	522
Oil	524
Oil Spill: Prevention, Preparedness and Response.....	525
Enforcement	527
Civil Enforcement	528
Operations and Administration.....	530
Facilities Infrastructure and Operations	531
Research: Sustainable Communities.....	533
Research: Sustainable and Healthy Communities.....	534

**Environmental Protection Agency
FY 2020 Annual Performance Plan and Congressional Justification**

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

	FY 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
Inland Oil Spill Programs				
Budget Authority	\$18,727.0	\$18,209.0	\$15,962.0	-\$2,247.0
Total Workyears	84.4	86.8	75.7	-11.1

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, \$15,962,000, 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 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
Compliance				
Compliance Monitoring	\$122.5	\$139.0	\$0.0	-\$139.0
Enforcement				
Civil Enforcement	\$2,464.8	\$2,413.0	\$2,373.0	-\$40.0
Oil				
Oil Spill: Prevention, Preparedness and Response	\$14,690.3	\$14,409.0	\$12,413.0	-\$1,996.0
Operations and Administration				
Facilities Infrastructure and Operations	\$753.8	\$584.0	\$665.0	\$81.0
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$695.6	\$664.0	\$511.0	-\$153.0
TOTAL Inland Oil Spill Programs	\$18,727.0	\$18,209.0	\$15,962.0	-\$2,247.0

*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 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
Environmental Programs & Management	\$101,299.2	\$101,665.0	\$89,644.0	-\$12,021.0
<i>Inland Oil Spill Programs</i>	<i>\$122.5</i>	<i>\$139.0</i>	<i>\$0.0</i>	<i>-\$139.0</i>
Hazardous Substance Superfund	\$943.0	\$995.0	\$991.0	-\$4.0
Total Budget Authority	\$102,364.7	\$102,799.0	\$90,635.0	-\$12,164.0
Total Workyears	485.9	489.0	428.7	-60.3

Program Project Description:

The Compliance Monitoring Program is a component of EPA’s Compliance Assurance Program that allows the Agency to detect noncompliance and promotes compliance with the Nation’s environmental laws.

Under this program, 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 2020 Activities and Performance Plan:

Resources and FTE are proposed for elimination from this program in FY 2020. Work will be maintained under the Oil Spill: Prevention, Preparedness, and Response Program under the Inland Oil Spill Programs appropriation.

Performance Measure Targets:

(PM 409) Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities.

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Units
Target	17,000	17,000	15,500	15,500	14,000	10,000	10,000	10,000	Inspections and Evaluations
Actual	18,000	16,000	15,400	13,500	11,800	10,600			

FY 2020 Change from FY 2019 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$139.0 / -0.6 FTE) This eliminates funding to the Compliance Monitoring Program under the Inland Oil Spill Programs appropriation.

Statutory Authority:

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 statute).

Oil

Oil Spill: Prevention, Preparedness and Response

Program Area: Oil

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	FY 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
<i>Inland Oil Spill Programs</i>	<i>\$14,690.3</i>	<i>\$14,409.0</i>	<i>\$12,413.0</i>	<i>-\$1,996.0</i>
Total Budget Authority	\$14,690.3	\$14,409.0	\$12,413.0	-\$1,996.0
Total Workyears	71.2	72.6	62.3	-10.3

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 3,800 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 inspection at facilities that pose the highest risk. The Agency currently inspects approximately 0.08 percent of SPCC facilities per year. In FY 2018, EPA found 87 percent of SPCC and 62 percent of FRP facilities to be out of compliance at the time of the inspection.² 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 2018, EPA has responded to approximately 80 oil spills across the nation.

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

² Information from EPA Oil database.

FY 2020 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in the *FY 2018–2022 EPA Strategic Plan*. In FY 2020, 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 to assist FRP and SPCC facilities in complying with EPA regulations. This fee and service will be voluntary.

Performance Measure Targets:

EPA's FY 2020 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2020 Change from FY 2019 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$263.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to the adjustments in salary, essential workforce support, and benefit costs.
- (-\$2,259.0 / -10.3 FTE) This program change is to focus on SPCC and FRP facility inspections on facilities that pose the highest risk. It also reduces specialized training opportunities for the Agency's On Scene Coordinators and updates to regional Area Contingency Plans.

Statutory Authority:

Oil Pollution Act.

Enforcement

Civil Enforcement

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

	FY 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
Environmental Programs & Management	\$164,266.9	\$171,283.0	\$147,647.0	-\$23,636.0
Leaking Underground Storage Tanks	\$619.8	\$620.0	\$470.0	-\$150.0
<i>Inland Oil Spill Programs</i>	<i>\$2,464.8</i>	<i>\$2,413.0</i>	<i>\$2,373.0</i>	<i>-\$40.0</i>
Total Budget Authority	\$167,351.5	\$174,316.0	\$150,490.0	-\$23,826.0
Total Workyears	995.5	1,000.8	857.1	-143.7

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, as amended by the Oil Pollution Act of 1990, 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, Facility Response Plan and other requirements.

FY 2020 Activities and Performance Plan:

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in the *FY 2018-2022 EPA Strategic Plan*. In FY 2020, 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 ensure that spills are prevented, cleaned up, and, where appropriate, mitigated. The Civil Enforcement Program also will continue to coordinate with the Criminal Enforcement Program, as appropriate.

Performance Measure Targets:

(PM 434) Millions of pounds of pollutants and waste reduced, treated, or eliminated through concluded enforcement actions.

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Units
Target						325	325	325	Millions of Pounds
Actual	1,425	1,221	1,030	62,223	461	810			

(PM 436) Number of all referred no complaint (RNCF) civil judicial cases that are more than 2.5 years old.

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Units
Target							129	129	Cases
Actual									

FY 2020 Change from FY 2019 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$87.0) 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 and benefit costs.
- (-\$127.0 / -0.2 FTE) This change reflects efficiencies gained through improved 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 statute); 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 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
Environmental Programs & Management	\$292,535.1	\$308,701.0	\$308,335.0	-\$366.0
Science & Technology	\$70,101.6	\$68,339.0	\$67,274.0	-\$1,065.0
Building and Facilities	\$34,605.1	\$27,791.0	\$33,377.0	\$5,586.0
Leaking Underground Storage Tanks	\$1,056.6	\$813.0	\$773.0	-\$40.0
<i>Inland Oil Spill Programs</i>	<i>\$753.8</i>	<i>\$584.0</i>	<i>\$665.0</i>	<i>\$81.0</i>
Hazardous Substance Superfund	\$76,061.2	\$75,253.0	\$73,540.0	-\$1,713.0
Total Budget Authority	\$475,113.4	\$481,481.0	\$483,964.0	\$2,483.0
Total Workyears	321.8	327.6	308.0	-19.6

Program Project Description:

EPA’s Facilities Infrastructure and Operations Program in the Inland Oil Spill Programs 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 2020 Activities and Performance Plan:

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in the *FY 2018–2022 EPA 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 2020, EPA is requesting \$0.50 million for rent in the Inland Oil Spill Programs appropriation.

Performance Measures Target:

EPA’s FY 2020 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2020 Change from FY 2019 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$3.0) This change to fixed and other costs is a decrease due to the recalculation of transit subsidy.
- (+\$84.0) This program change is an increase for facility operations.

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); Oil Pollution Act.

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 2018 Actuals	FY 2019 Annualized CR	FY 2020 Pres Budget	FY 2020 Pres Budget v. FY 2019 Annualized CR
Science & Technology	\$131,757.3	\$134,327.0	\$53,631.0	-\$80,696.0
Leaking Underground Storage Tanks	\$311.3	\$320.0	\$424.0	\$104.0
<i>Inland Oil Spill Programs</i>	<i>\$695.6</i>	<i>\$664.0</i>	<i>\$511.0</i>	<i>-\$153.0</i>
Hazardous Substance Superfund	\$11,023.3	\$11,463.0	\$10,977.0	-\$486.0
Total Budget Authority	\$143,787.5	\$146,774.0	\$65,543.0	-\$81,231.0
Total Workyears	439.1	440.9	294.1	-146.8

Program Project Description:

EPA is the lead federal on-scene coordinator for inland oil spills and provides technical assistance, when needed, for coastal spills.³ EPA therefore is charged with responsibilities for oil spill preparedness and response and associated research. EPA's research, planned in concert with partner agencies (United States Coast Guard, United States Department of the Interior, United States Department of Transportation, and United States Department of Commerce), is an important part of 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,⁴ 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 EPA research, responders can make more informed 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.⁵ 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

³ For more information, please see: <https://www.epa.gov/emergency-response/epas-scene-coordinators-oscs>.

⁴ For more information, please see: https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/About_NPFC/OSLTF/.

⁵ For more information, please see: <http://www2.epa.gov/emergency-response/national-contingency-plan-subpart-j>.

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.

The SHC Program is one of six integrated and transdisciplinary national research programs. Each program is guided by a Strategic Research Action Plan (StRAP) that reflects the science needs of agency program and regional offices, states, and tribes, and is implemented with their active collaboration and involvement.

Accomplishments in this research area include:

- **Published report⁶ on wave tank simulations characterizing the effect of dispersant on dispersion effectiveness during surface and deep ocean spills.** Dispersants are key tools for addressing oil spills, though there are ongoing questions about how they behave in the water. SHC found that the dispersion of oil (both natural and enhanced) due to dispersants, is influenced by factors such as water temperature, dispersant type and concentration, and jet release pressure. Undersea jet oil plumes simulated within wave/flume tanks offer an opportunity to monitor the movement of dispersed oil droplets. The results further inform aquatic spill preparedness efforts by EPA. End users are states, EPA program and regional offices, the National Oceanic and Atmospheric Administration, United States Coast Guard, United States Department of the Interior-Bureau of Safety and Environmental Enforcement (DOI-BSEE) and the oil industry.
- **Screening of two potential reference oils for dispersant effectiveness, chemical characterization and toxicity.⁷** Because different types of oil respond differently to various dispersants, oil spill cleanup crews need concrete information to guide their decisions about the dispersants they use and how they can inform the public about the cleanup process. This effort helps to build that knowledge and directly responds to EPA needs.

FY 2020 Activities and Performance Plan:

Work in this program directly supports Goal 3 Objective 3.3, Prioritize Robust Science in the *FY 2018–2022 EPA Strategic Plan*. Specifically, SHC’s FY 2020 research will focus on conducting research to support regulatory activities and protocol development for EPA’s program and regional offices, and in support of state-delegated programs. The SHC research program will 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.

⁶ For more information, please see: SHC Poster - *Actionable Science for Communities: Wave Tank Oil Plume Simulations*. https://www.epa.gov/sites/production/files/2016-11/documents/bosc_3_62_hot_topic_poster_conmy.pdf.

⁷ For more information, please see: <https://www.epa.gov/land-research/oil-spills-research-recent-publications>.

Specific SHC activities in FY 2020 include:

- Developing or revising protocols to test oil spill control agents or products for listing on the NCP Product Schedule and other research, as needed by EPA oil programs.
- 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 break down 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 DOI-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 NCP. EPA also will expand research efforts regarding oil biodegradation and the characterization of crude oil.

Research Planning:

EPA is reconstituting a subcommittee under the Agency's 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 developing its strategic research direction and StRAP for FY 2019-2022.

EPA collaborates with the National Institutes of Health, the National Science Foundation, Department of Energy, and U.S. Department of Agriculture to assess research performance. EPA's state engagement program is designed to inform states about EPA's research programs, and to enable EPA 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.

Performance Measure Targets:

Work under this program supports performance results in the Sustainable and Healthy Communities Program under the Oil appropriation.

FY 2020 Change from FY 2019 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$11.0) This net 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.
- (-\$164.0) 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 NCP Product Schedule.

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); Oil Pollution Act.