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**United States
Environmental Protection Agency**

FISCAL YEAR 2018

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

Tab 09: Inland Oil Spill Programs

EPA-190-K-17-002

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**Environmental Protection Agency
2018 Annual Performance Plan and Congressional Justification**

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Environmental Protection Agency
FY 2018 Annual Performance Plan and Congressional Justification

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

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Inland Oil Spill Programs				
Budget Authority	\$18,682.8	\$18,175.0	\$15,717.0	(\$2,458.0)
Total Workyears	93.1	98.3	76.5	-21.8

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, \$15,717,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

Program Projects in Oil Spills
(Dollars in Thousands)

Program Project	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
Compliance				
Compliance Monitoring	\$143.3	\$139.0	\$124.0	(\$15.0)
Enforcement				
Civil Enforcement	\$2,444.0	\$2,408.0	\$2,266.0	(\$142.0)
Oil				
Oil Spill: Prevention, Preparedness and Response	\$14,553.9	\$14,382.0	\$12,144.0	(\$2,238.0)
Operations and Administration				
Facilities Infrastructure and Operations	\$679.6	\$583.0	\$680.0	\$97.0
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$862.0	\$663.0	\$503.0	(\$160.0)
Subtotal, Research: Sustainable and Healthy Communities	\$862.0	\$663.0	\$503.0	(\$160.0)
TOTAL, EPA	\$18,682.8	\$18,175.0	\$15,717.0	(\$2,458.0)

Program Area: Compliance

Compliance Monitoring
Program Area: Compliance

(Dollars in Thousands)

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
<i>Inland Oil Spill Programs</i>	\$143.3	\$139.0	\$124.0	(\$15.0)
Environmental Program & Management	\$103,713.4	\$101,472.0	\$86,431.0	(\$15,041.0)
Hazardous Substance Superfund	\$844.1	\$993.0	\$605.0	(\$388.0)
Total Budget Authority / Obligations	\$104,700.8	\$102,604.0	\$87,160.0	(\$15,444.0)
Total Workyears	510.4	539.6	432.4	-107.2

Program Project Description:

The Compliance Monitoring program promotes compliance with the nation's environmental laws. Compliance monitoring is comprised of a variety of tools and activities that states and the EPA use to identify whether regulated entities are in compliance with environmental laws enacted by Congress, as well as applicable regulations and permit conditions. In addition, compliance monitoring activities, such as inspections and investigations, are conducted to determine whether conditions exist that may present imminent and substantial endangerment to human health and the environment.

The EPA maintains and oversees the Compliance Monitoring program by integrating the data from the Facility Response Plans (FRP) and Spill Prevention, Control, and Countermeasure (SPCC) systems into the EPA Integrated Compliance Information System. As a result of this data integration, the 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.

The Clean Water Act Section 311 compliance monitoring program for SPCC is designed to assure compliance with the governing spill prevention regulations. The Section 311 FRPs compliance monitoring program uses tools and strategies to verify that regulated facilities prepare for and are able to respond to any oil spill affecting the inland waters of the United States.

FY 2018 Activities and Performance Plan:

In FY 2018 the agency will streamline its Compliance Monitoring program.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$15.0 / -0.1 FTE) This streamlines the Compliance Monitoring 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.) (the EPA's organic statute).

Program Area: Enforcement

Civil Enforcement
Program Area: Enforcement

(Dollars in Thousands)

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
<i>Inland Oil Spill Programs</i>	\$2,444.0	\$2,408.0	\$2,266.0	(\$142.0)
Environmental Program & Management	\$174,120.9	\$171,051.0	\$140,470.0	(\$30,581.0)
Leaking Underground Storage Tanks	\$758.0	\$619.0	\$559.0	(\$60.0)
Total Budget Authority / Obligations	\$177,322.9	\$174,078.0	\$143,295.0	(\$30,783.0)
Total Workyears	1,064.6	1,080.4	858.7	-221.7

Program Project Description:

The EPA 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 serious 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 EPA's Civil Enforcement program develops policies, issues administrative orders or penalty actions, and/or refers civil judicial actions to the Department of Justice to address spills, violations of spill prevention, 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 2018 Activities and Performance Plan:

In FY 2018, the EPA will streamline the Civil Enforcement program, prioritize resources to achieve regulatory compliance, and address oil or hazardous substance spills in violation of the statute and prevent future spills. Civil Enforcement efforts will focus on facilities where enforcement will promote deterrence, require action to address spill causes, and confirm that spills are cleaned up and mitigated.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$142.0 / -0.9 FTE) This streamlines enforcement efforts under 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.) (the EPA's organic statute); Clean Water Act; Oil Pollution Act.

Program Area: Oil

Oil Spill: Prevention, Preparedness and Response

Program Area: Oil

(Dollars in Thousands)

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
<i>Inland Oil Spill Programs</i>	\$14,553.9	\$14,382.0	\$12,144.0	(\$2,238.0)
Total Budget Authority / Obligations	\$14,553.9	\$14,382.0	\$12,144.0	(\$2,238.0)
Total Workyears	79.0	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. The 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 the 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 0.1 percent of SPCC facilities per year. In FY 2016, the EPA found that 64 percent of FRP facilities and 91 percent of SPCC facilities inspected were out of compliance due to 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.

FY 2018 Activities and Performance Plan:

In FY 2018, 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. The EPA will focus inspections at high risk FRP facilities.

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

- 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.

The EPA's responsibility to respond to inland oil spills within 12 hours cannot be delegated or shared with any other federal agency, state, or local government. The 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 2016, the EPA responded to approximately 110 oil spills across the nation.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$2,238.0 / -20.8 FTE) This decision focuses SPCC and FRP facility inspections on facilities that pose the highest risk, reduces specialized training opportunities for agency federal On Scene Coordinators, and reduces updates to regional Area Contingency Plans.

Statutory Authority:

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

Program Area: Operations and Administration

Facilities Infrastructure and Operations
 Program Area: Operations and Administration

(Dollars in Thousands)

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
<i>Inland Oil Spill Programs</i>	\$679.6	\$583.0	\$680.0	\$97.0
Environmental Program & Management	\$304,456.9	\$310,948.0	\$301,001.0	(\$9,947.0)
Science & Technology	\$71,332.8	\$68,209.0	\$68,339.0	\$130.0
Building and Facilities	\$37,184.2	\$35,573.0	\$33,377.0	(\$2,196.0)
Leaking Underground Storage Tanks	\$785.2	\$782.0	\$785.0	\$3.0
Hazardous Substance Superfund	\$69,168.0	\$74,137.0	\$59,072.0	(\$15,065.0)
Total Budget Authority / Obligations	\$483,606.7	\$490,232.0	\$463,254.0	(\$26,978.0)
Total Workyears	332.9	357.7	312.2	-45.5

Program Project Description:

The 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 2018 Activities and Performance 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 2018, the EPA is requesting \$0.496 million for rent in the Inland Oil Spills appropriation.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (+\$97.0) This change to fixed and other costs is an increase due to the recalculation of rent charging by appropriation.

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.) (the EPA's organic statute).

Program Area: Research: Sustainable Communities

Research: Sustainable and Healthy Communities

Program Area: Research: Sustainable Communities

(Dollars in Thousands)

	FY 2016 Actuals	FY 2017 Annualized CR	FY 2018 Pres Bud	FY 2018 Pres Bud v. FY 2017 Annualized CR
<i>Inland Oil Spill Programs</i>	\$862.0	\$663.0	\$503.0	(\$160.0)
Science & Technology	\$154,349.4	\$139,709.0	\$54,211.0	(\$85,498.0)
Leaking Underground Storage Tanks	\$315.5	\$319.0	\$320.0	\$1.0
Hazardous Substance Superfund	\$13,622.3	\$14,005.0	\$5,655.0	(\$8,350.0)
Total Budget Authority / Obligations	\$169,149.2	\$154,696.0	\$60,689.0	(\$94,007.0)
Total Workyears	460.3	476.3	265.1	-211.2

Program Project Description:

The EPA is the lead federal on-scene coordinator for inland oil spills and provides technical assistance, when needed, for coastal spills. The EPA is therefore charged with responsibilities for oil spill preparedness and response and associated research. The 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 the 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, and community decision-makers with analysis and tools to protect human and ecosystem health from the negative impacts of oil spills. The EPA is making a visible difference in communities by supporting local officials in their response to a spill. As a result of this research, oil spill 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, the 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, the EPA conducts research in support of the agency's National Contingency Plan (NCP) Product Schedule.³ The NCP is used nation-wide by emergency responders and federal agencies in responding to oil spills. The 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. The EPA's Land and Emergency Management Program and Regional Offices rely on this research to provide testing procedures that inform cleanup decisions during an emergency spill response.

² http://www.uscg.mil/ccs/npfc/About_NPFC/osltf.asp.

³ <http://www2.epa.gov/emergency-response/national-contingency-plan-subpart-j>.

Recent accomplishments 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. The EPA has been developing a laboratory effectiveness test for SWA that will serve as a basis for proposed new listing criteria for the SWA products in the NCP.
- **Providing OLEM 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.

FY 2018 Activities and Performance Plan:

In FY 2018, the EPA's oil spill research will prioritize efforts. These efforts include:

- Developing or revising protocols to test oil spill control agents or products for listing on the National Contingency Plan (NCP) Product Schedule and conducting other research, as needed by the EPA's Emergency Management Program.
- Conducting studies on the effectiveness of bioremediation of petroleum-based oil, vegetable oil, and biodiesel.
- 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 and Canada's Department of Fisheries and Oceans.

The EPA has established a standing subcommittee under the EPA's Board of Scientific Counselors (BOSC) for the SHC program to evaluate its performance and provide feedback to the agency. In addition, the EPA meets with the BOSC and Science Advisory Board (SAB) annually for input on topics related to research program design, science quality, innovation, relevance, and impact. The EPA will be advised on its strategic research direction as part of the review of the Research and Development program's recently-released Strategic Research Action Plans (StRAPs).

The EPA collaborates with the National Institutes of Health (NIH), National Science Foundation (NSF), Department of Energy (DOE), U.S. Department of Agriculture (USDA), and the White House's Office of Science and Technology Policy (OSTP) to assess research performance. The EPA supports the interagency Science and Technology in America's Reinvestment, Measuring the Effect of Research on Innovation, Competitiveness, and Science (STAR METRICS) efforts.

A list of FY 2018 performance measures and targets is located in the FY 2018 Performance Measures tab.

FY 2018 Change from FY 2017 Annualized Continuing Resolution (Dollars in Thousands):

- (-\$160.0) This 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.