



**United States
Environmental Protection Agency**

FISCAL YEAR 2021

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

Tab 09: Inland Oil Spill Programs

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**Environmental Protection Agency
FY 2021 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2021 Annual Performance Plan and Congressional Justification**

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

	FY 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
Inland Oil Spill Programs				
Budget Authority	\$17,368.1	\$19,581.0	\$16,631.0	-\$2,950.0
Total Workyears	79.7	84.8	75.7	-9.1

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, including hire, maintenance, and operation of aircraft, \$16,631,000, 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 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
Compliance				
Compliance Monitoring	\$82.8	\$139.0	\$0.0	-\$139.0
Enforcement				
Civil Enforcement	\$2,393.3	\$2,413.0	\$2,462.0	\$49.0
Oil				
Oil Spill: Prevention, Preparedness and Response	\$13,715.1	\$15,700.0	\$12,965.0	-\$2,735.0
Operations and Administration				
Facilities Infrastructure and Operations	\$577.3	\$665.0	\$682.0	\$17.0
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$599.6	\$664.0	\$522.0	-\$142.0
TOTAL Inland Oil Spill Programs	\$17,368.1	\$19,581.0	\$16,631.0	-\$2,950.0

Compliance

Compliance Monitoring

Program Area: Compliance

Goal: More Effective Partnerships

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	FY 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
Environmental Programs & Management	\$100,132.8	\$101,665.0	\$95,649.0	-\$6,016.0
<i>Inland Oil Spill Programs</i>	<i>\$82.8</i>	<i>\$139.0</i>	<i>\$0.0</i>	<i>-\$139.0</i>
Hazardous Substance Superfund	\$1,313.8	\$995.0	\$1,004.0	\$9.0
Total Budget Authority	\$101,529.4	\$102,799.0	\$96,653.0	-\$6,146.0
Total Workyears	447.1	453.9	427.7	-26.2

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.

FY 2021 Activities and Performance Plan:

Resources and FTE are proposed for elimination for this program in FY 2021. Work will be maintained under the Oil Spill: Prevention, Preparedness, and Response Program under the Inland Oil Spill Programs appropriation.

Performance Measure Targets:

EPA's FY 2021 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2021 Change from Estimated FY 2020 Enacted Budget (Dollars in Thousands):

- (-\$139.0 / -0.8 FTE) This program change proposes to eliminate the Compliance Monitoring program under the Inland Oil Spills Trust Fund.

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).

Enforcement

Civil Enforcement

Program Area: Enforcement

Goal: Greater Certainty, Compliance, and Effectiveness

Objective(s): Compliance with the Law

(Dollars in Thousands)

	FY 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
Environmental Programs & Management	\$160,202.2	\$167,615.0	\$157,820.0	-\$9,795.0
Leaking Underground Storage Tanks	\$678.1	\$620.0	\$541.0	-\$79.0
<i>Inland Oil Spill Programs</i>	<i>\$2,393.3</i>	<i>\$2,413.0</i>	<i>\$2,462.0</i>	<i>\$49.0</i>
Total Budget Authority	\$163,273.6	\$170,648.0	\$160,823.0	-\$9,825.0
Total Workyears	908.3	916.2	857.1	-59.1

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 U.S. 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 that violate the statute, 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 and provides support for field investigations of spills, Spill Prevention, Control, and Countermeasure, Facility Response Plan and other requirements.

FY 2021 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 2021, 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 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Units
Target					325	325	325	325	Millions of Pounds
Actual	1,221	1,030	62,223	461	810	347			

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

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	Units
Target						129	120	120	Cases
Actual						94			

FY 2021 Change from Estimated FY 2020 Enacted Budget (Dollars in Thousands):

- (+\$436.0) This change is an increase due to the recalculation of base payroll costs.
- (-\$387.0) This net program change continues necessary support to the Program's workforce 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); Clean Water Act; Oil Pollution Act.

Oil

Oil Spill: Prevention, Preparedness and Response

Program Area: Oil

Goal: A Cleaner, Healthier Environment

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	FY 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
<i>Inland Oil Spill Programs</i>	<i>\$13,715.1</i>	<i>\$15,700.0</i>	<i>\$12,965.0</i>	<i>-\$2,735.0</i>
Total Budget Authority	\$13,715.1	\$15,700.0	\$12,965.0	-\$2,735.0
Total Workyears	66.7	70.6	62.3	-8.3

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 550,000 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 0.12 percent of SPCC facilities per year. By the end of FY 2019, EPA found 79 percent of active SPCC 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. During FY 2019, EPA responded to approximately 120 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 the EPA Oil database.

FY 2021 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 2021, 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 equipping 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 2021 Annual Performance Plan does not include annual performance goals specific to the program.

FY 2021 Change from Estimated FY 2020 Enacted Budget (Dollars in Thousands):

- (+\$1,444.0) This change is an increase due to the recalculation of base payroll costs.
- (-\$4,179.0 / -8.3 FTE) This net 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.

Operations and Administration

Facilities Infrastructure and Operations

Program Area: Operations and Administration

Goal: Greater Certainty, Compliance, and Effectiveness

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	FY 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
Environmental Programs & Management	\$321,500.4	\$287,595.0	\$317,345.0	\$29,750.0
Science & Technology	\$67,856.9	\$65,372.0	\$67,908.0	\$2,536.0
Building and Facilities	\$23,017.8	\$26,922.0	\$33,377.0	\$6,455.0
Leaking Underground Storage Tanks	\$847.2	\$868.0	\$796.0	-\$72.0
<i>Inland Oil Spill Programs</i>	<i>\$577.3</i>	<i>\$665.0</i>	<i>\$682.0</i>	<i>\$17.0</i>
Hazardous Substance Superfund	\$82,243.2	\$76,473.0	\$76,831.0	\$358.0
Total Budget Authority	\$496,042.8	\$457,895.0	\$496,939.0	\$39,044.0
Total Workyears	329.9	315.4	307.6	-7.8

Total workyears in FY 2021 include 2.1 FTE to support Facilities Infrastructure and Operations working capital fund (WCF) services.

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 2021 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 private landlords. For FY 2021, EPA is requesting \$0.51 million for rent in the Inland Oil Spill Programs appropriation. EPA uses a standard methodology to ensure that rent charging appropriately reflects planned and enacted resources at the appropriation level.

Performance Measures Target:

EPA’s FY 2021 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2021 Change from Estimated FY 2020 Enacted Budget (Dollars in Thousands):

- (+\$17.0) 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: Greater Certainty, Compliance, and Effectiveness
 Objective(s): Prioritize Robust Science

(Dollars in Thousands)

	FY 2019 Actuals	Estimated FY 2020 Enacted	FY 2021 Pres Budget	FY 2021 Pres Budget v. Estimated FY 2020 Enacted
Science & Technology	\$135,083.1	\$132,477.0	\$58,597.0	-\$73,880.0
Leaking Underground Storage Tanks	\$130.5	\$320.0	\$304.0	-\$16.0
<i>Inland Oil Spill Programs</i>	<i>\$599.6</i>	<i>\$664.0</i>	<i>\$522.0</i>	<i>-\$142.0</i>
Hazardous Substance Superfund	\$11,004.7	\$16,463.0	\$11,448.0	-\$5,015.0
Total Budget Authority	\$146,817.9	\$149,924.0	\$70,871.0	-\$79,053.0
Total Workyears	411.9	421.8	294.6	-127.2

Program Project Description:

EPA is the lead federal on-scene coordinator for inland oil spills and provides technical assistance, when needed, for coastal spills.³ EPA is responsible for oil spill preparedness, response, and associated research, as well as having the lead role in developing protocols for testing spill response products and agents, which is planned with the assistance of partner agencies.⁴

The Sustainable and Healthy Communities (SHC) Research Program is one of six integrated and transdisciplinary research programs in the Research and Development Program. Each of the six integrated and transdisciplinary research programs is guided by a Strategic Research Action Plan (StRAP) that reflects the research needs of agency program and regional offices, states, and tribes, and is implemented with their active collaboration and involvement. As part of the FY 2021 Budget, the new SHC FY 2019-2022 StRAP builds upon prior SHC StRAPs and continues a practice of conducting innovative scientific research aimed at solving the problems encountered by agency partners and stakeholders.

The SHC Research Program for inland oil spills, funded through the Oil Spill Liability Trust Fund,⁵ provides federal, state, tribal, and community decision-makers with analysis and tools to protect human and ecosystem health from the negative impacts of oil spills. EPA assists communities by supporting local officials in their response to a spill. As a result of EPA’s 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.

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

⁴ United States Coast Guard, United States Department of the Interior, United States Department of Transportation, and United States Department of Commerce.

⁵ For more information, please see: https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/About_NPFC/OSLTF/.

In support of these response efforts, EPA conducts research related to the Agency's National Contingency Plan (NCP) Product Schedule.⁶ 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. EPA also assesses impacts to surface water and groundwater, especially if they affect drinking water supplies. EPA relies on this research to provide testing procedures that inform cleanup decisions during an emergency spill response.

Recent Accomplishments of the SHC Research Program include:

- **Crude oil dispersion in high salinity waters:** Dispersants are response options for addressing oil spills, and their effectiveness is dependent on the spill scenario. Decision-makers typically ask whether there will be sufficient dispersion effectiveness in various levels of water salinity during spills. The response community needs information on whether dispersants could be a viable response option for subsea releases in hypersaline waters such as in the Arctic and Northern Gulf of Mexico. This study, completed in FY 2019, provided a more comprehensive picture pertaining to the influence of salinity on dispersant usage at high salinities.⁷ Relevant stakeholders that use this information include 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, and the oil industry.
- **Screening of two potential reference oils for dispersant effectiveness, chemical characterization, and toxicity:** Oil spill cleanup requires accurate and concrete data (i.e., safety, storage, application methods, toxicity and effectiveness data, and physical and chemical properties data) to help response crews make decisions about dispersants because each oil responds differently to various dispersants. The technical information provided by these screenings can more accurately inform the public about the cleanup process. Specifically, research completed in FY 2019 tested dispersant effectiveness, chemical properties, and toxicity and the research results improved knowledge that EPA responders need during oil spill cleanup.

FY 2021 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, FY 2021 research will focus on conducting research to support regulatory activities and protocol development for EPA's programs and in support of state-delegated programs. This program will provide on-demand technical support at federal, tribal, or state-managed cleanup sites, as well as assistance during emergencies. The SHC Research Program will continue to conduct health, environmental engineering, and ecological research, and prepare 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: <http://www2.epa.gov/emergency-response/national-contingency-plan-subpart-j>.

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

Specific activities in FY 2021 include:

- Conducting studies to develop efficacy protocols for products, refining toxicity thresholds, and evaluating potential new reference oils. These studies will produce new protocols for surface washing agent and solidifier effectiveness, set out an approach for chemical herder effectiveness, and refine toxicity thresholds.
- Conducting research to better understand oil behavior, toxicity thresholds, and remediation options. This study aims to close information gaps pertaining to oil behavior and fate. This study will provide valuable information on the behavior of a variety of oils and treating agents under varying environmental factors. This information is critical for understanding broader ecological/environmental impacts of spilled oil.
- Evaluate the performance of 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, the characterization of crude oil, and treating agent biodegradation.

Research Planning:

EPA's Board of Scientific Counselors (BOSC) is a federal advisory committee that provides advice and recommendations to EPA's Research and Development Program on technical and management issues of its research programs. The SHC Research Program and the BOSC SHC subcommittee will continue to meet regularly over the next several years to seek input on topics related to research program design, science quality, innovation, relevance, and impact.

The Agency assesses its research performance through the distribution of research evaluation surveys to key users of its research products. This provides evidence for how research products are being used, by whom, and the degree of satisfaction product users have with research product quality, usability, and timeliness of delivery. Through the evaluation process, the Agency identifies its strengths and finds targeted areas for improvement to its research programs.

EPA's state engagement⁸ is designed to inform states about their role within EPA and EPA's research programs, and to better understand the science needs of state environmental and health agencies. Key partners at the state level include: the Environmental Council of the States, with its Environmental Research Institute of the States and Interstate Technology and Regulatory Council; and the Association of State and Territorial Health Officials.

Performance Measure Targets:

Work under this program supports performance results in the Research: Sustainable and Healthy Communities Program under the S&T appropriation.

⁸ For more information on EPA's engagement with states, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

FY 2021 Change from Estimated FY 2020 Enacted Budget (Dollars in Thousands):

- (+\$118.0) This change is an increase due to the recalculation of base payroll costs.
- (-\$260.0) This program change streamlines research to study the performance and behavior of oil dispersants in deep water and arctic spills, as well as the study of 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 as Title 5 App.) (EPA's organic statute); Oil Pollution Act.