



**United States
Environmental Protection Agency**

FISCAL YEAR 2022

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

Tab 09: Inland Oil Spill Programs

EPA-190-R-21-002

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**Environmental Protection Agency
FY 2022 Annual Performance Plan and Congressional Justification**

Table of Contents – Inland Oil Spill Programs

Program Projects in Inland Oil Spill Programs.....	589
Compliance	590
Compliance Monitoring.....	591
Oil	593
Oil Spill: Prevention, Preparedness and Response.....	594
Enforcement	596
Civil Enforcement.....	597
Operations and Administration.....	599
Facilities Infrastructure and Operations.....	600
Research: Sustainable Communities.....	602
Research: Sustainable and Healthy Communities.....	603

**Environmental Protection Agency
FY 2022 Annual Performance Plan and Congressional Justification**

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

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Inland Oil Spill Programs				
Budget Authority	\$19,058.8	\$20,098.0	\$22,409.0	\$2,311.0
Total Workyears	77.3	84.8	84.8	0.0

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, \$22,409,000, 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 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Compliance				
Compliance Monitoring	\$181.4	\$139.0	\$2,142.0	\$2,003.0
Enforcement				
Civil Enforcement	\$2,237.2	\$2,413.0	\$2,462.0	\$49.0
Oil				
Oil Spill: Prevention, Preparedness and Response	\$15,571.8	\$16,200.0	\$16,454.0	\$254.0
Operations and Administration				
Facilities Infrastructure and Operations	\$640.2	\$682.0	\$683.0	\$1.0
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$428.2	\$664.0	\$668.0	\$4.0
TOTAL Inland Oil Spill Programs	\$19,058.8	\$20,098.0	\$22,409.0	\$2,311.0

Compliance

Compliance Monitoring
Program Area: Compliance

(Dollars in Thousands)

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Environmental Programs & Management	\$98,418.4	\$102,500.0	\$132,350.0	\$29,850.0
<i>Inland Oil Spill Programs</i>	<i>\$181.4</i>	<i>\$139.0</i>	<i>\$2,142.0</i>	<i>\$2,003.0</i>
Hazardous Substance Superfund	\$1,054.3	\$1,000.0	\$1,006.0	\$6.0
Total Budget Authority	\$99,654.1	\$103,639.0	\$135,498.0	\$31,859.0
Total Workyears	433.6	453.9	459.9	6.0

Program Project Description:

The Compliance Monitoring Program is a component of EPA’s Enforcement and 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 (FRP) and Spill Prevention, Control, and Countermeasure (SPCC) systems into EPA’s Integrated Compliance Information System (ICIS). Data related to compliance with FRP and SPCC requirements is made available to the public through EPA’s Enforcement and Compliance History Online (ECHO) website.

FY 2022 Activities and Performance Plan:

In FY 2022, EPA requests resources to continue to accelerate its efforts to modernize ICIS and support better integration with ECHO. As a result of this data integration, EPA will be in a better position to focus compliance monitoring resources on areas of highest risk and to increase transparency to the public. It also will provide a more complete set of information for this program and improve data quality. Resources will be used to complete scoping on the business requirements and possible technological approaches and to continue development of new software. EPA also will make adjustments to ICIS and ECHO which will facilitate better access of compliance data and community information (e.g., from EPA’s EJSCREEN tool) to EPA and states and to the public. This will enhance EPA’s efforts to integrate environmental justice (EJ) considerations in its work and address compliance concerns in disadvantaged communities.

Performance Measure Targets:

EPA's FY 2022 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2022 Change from FY 2021 Enacted Budget (Dollars in Thousands):

- (+\$2.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,001.0) This program change increase will allow EPA to accelerate its efforts to modernize the Integrated Compliance Information System, support better integration with the Enforcement and Compliance History Online website, and enhance efforts to address oil spill compliance concerns in disadvantaged and other environmental justice communities.

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

(Dollars in Thousands)

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
<i>Inland Oil Spill Programs</i>	<i>\$15,571.8</i>	<i>\$16,200.0</i>	<i>\$16,454.0</i>	<i>\$254.0</i>
Total Budget Authority	\$15,571.8	\$16,200.0	\$16,454.0	\$254.0
Total Workyears	65.2	70.6	70.6	0.0

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 3,840 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. Inspections are essential to ensuring that facility staff is knowledgeable about prevention and response plans, and quickly able to put these plans into action. The Agency currently inspects approximately 0.12 percent of SPCC facilities per year. In FY 2020, EPA found 86 percent of SPCC facilities to be out of compliance at the time of the inspection.² In FY 2020, EPA initiated off-site compliance monitoring activities for SPCC and FRP facilities to further expand the compliance evaluation tools available to inspectors during the COVID-19 pandemic.³

As 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 2020, EPA responded to approximately 42 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's Oil database.

³ For additional information, please refer to: https://www.epa.gov/sites/production/files/2020-07/documents/inspectioncommitments_0.pdf.

FY 2022 Activities and Performance Plan:

In FY 2022, the Oil Spill Prevention, Preparedness and Response Program will:

- Inspect oil facilities to ensure compliance with preventive measures. Inspections involve reviewing the facility's prevention, preparedness, and response plans and discussing key aspects of these plans with facility staff. EPA also will conduct unannounced exercises at FRP facilities to test the facility owner's ability to put preparedness and response plans into action. Finally, EPA will conduct off-site compliance monitoring activities for oil facilities to allow inspectors to make compliance determinations from remote locations as another tool to promote regulatory compliance. EPA will focus inspections at high risk FRP facilities and consider expanding inspection targeting options to promote regulatory compliance in environmental justice (EJ) communities.
- 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.

Performance Measure Targets:

EPA's FY 2022 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2022 Change from FY 2021 Enacted Budget (Dollars in Thousands):

- (+\$134.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$120.0) This program change increases support for the prevention and response to oil spills that occur in and around inland waters.

Statutory Authority:

The Clean Water Act Section 311 as amended by the Oil Pollution Act.

Enforcement

Civil Enforcement
Program Area: Enforcement

(Dollars in Thousands)

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Environmental Programs & Management	\$162,505.0	\$168,341.0	\$194,623.0	\$26,282.0
Leaking Underground Storage Tanks	\$657.3	\$620.0	\$634.0	\$14.0
<i>Inland Oil Spill Programs</i>	\$2,237.2	\$2,413.0	\$2,462.0	\$49.0
Total Budget Authority	\$165,399.5	\$171,374.0	\$197,719.0	\$26,345.0
Total Workyears	899.6	916.2	965.2	49.0

Program Project Description:

The Civil Enforcement Program’s goal is to protect human health and the environment by ensuring compliance with the Nation’s environmental laws. The Civil Enforcement Program collaborates with the U.S. Department of Justice, states, local, 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 compliance and penalty orders, 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 will assist in the recovery of cleanup costs expended by the government and provides support for field investigations of spills, Facility Response Plan, Spill Prevention, Control, and Countermeasure and other requirements.

FY 2022 Activities and Performance Plan:

Work in this program directly supports the Administration’s priorities. In FY 2022, EPA also 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, integrate environmental justice considerations in our work to protect communities that have borne a disproportionate burden of pollution, 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:

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

FY 2022 Change from FY 2021 Enacted Budget (Dollars in Thousands):

- (+\$34.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$15.0) This program change reflects an increase to support the Program's focus on expanding enforcement of environmental justice related regulations and increased polluter accountability within environmental justice communities.

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.

Operations and Administration

Facilities Infrastructure and Operations
Program Area: Operations and Administration

(Dollars in Thousands)

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Environmental Programs & Management	\$285,437.3	\$285,441.0	\$297,748.0	\$12,307.0
Science & Technology	\$68,812.7	\$67,500.0	\$68,533.0	\$1,033.0
Building and Facilities	\$32,216.3	\$27,076.0	\$56,076.0	\$29,000.0
Leaking Underground Storage Tanks	\$1,066.0	\$836.0	\$837.0	\$1.0
<i>Inland Oil Spill Programs</i>	<i>\$640.2</i>	<i>\$682.0</i>	<i>\$683.0</i>	<i>\$1.0</i>
Hazardous Substance Superfund	\$82,734.0	\$68,727.0	\$72,801.0	\$4,074.0
Total Budget Authority	\$470,906.5	\$450,262.0	\$496,678.0	\$46,416.0
Total Workyears	305.2	315.4	315.4	0.0

Total workyears in FY 2022 include 5.4 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 2022 Activities and Performance Plan:

In support of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*,⁴ EPA will work to secure physical and operational resiliency for agency facilities. The Agency will continue to take aggressive action to reconfigure EPA’s workplaces with the goal of reducing long-term rent costs while increasing EPA facility resiliency and sustainability to combat the effects of climate change and ensure a space footprint that accommodates a growing workforce. 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 2022, EPA is requesting \$508 thousand 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 Measure Targets:

EPA’s FY 2022 Annual Performance Plan does not include annual performance goals specific to this program.

⁴ For additional information, please refer to: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

FY 2022 Change from FY 2021 Enacted Budget (Dollars in Thousands):

- (+\$1.0) This net change includes a slight program increase offset by a reduction due to the recalculation of rent, utilities, and security.

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).

Research: Sustainable Communities

Research: Sustainable and Healthy Communities
Program Area: Research: Sustainable Communities

(Dollars in Thousands)

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Science & Technology	\$143,191.3	\$133,000.0	\$137,412.0	\$4,412.0
Leaking Underground Storage Tanks	\$520.6	\$320.0	\$327.0	\$7.0
<i>Inland Oil Spill Programs</i>	<i>\$428.2</i>	<i>\$664.0</i>	<i>\$668.0</i>	<i>\$4.0</i>
Hazardous Substance Superfund	\$15,501.1	\$16,463.0	\$16,634.0	\$171.0
Total Budget Authority	\$159,641.2	\$150,447.0	\$155,041.0	\$4,594.0
Total Workyears	417.3	421.8	441.8	20.0

Program Project Description:

EPA is the lead federal on-scene coordinator for inland oil spills and provides technical assistance, when needed, for coastal spills.⁵ 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.⁶

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 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. *SHC's 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 the Agency and its stakeholders.

The SHC Research Program for inland oil spills, funded through the Oil Spill Liability Trust Fund,⁷ 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, including economically, socially, and environmentally disadvantaged or impacted 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.

In support of these response efforts, EPA conducts research related to the Agency's National Contingency Plan (NCP) Product Schedule.⁸ The NCP is used nationwide by emergency

⁵ For more information, please see: <https://www.epa.gov/emergency-response/epas-scene-coordinators-oscs>.

⁶ United States Coast Guard, United States Department of the Interior, United States Department of Transportation, and United States Department of Commerce.

⁷ For more information, please see: https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/About_NPFC/OSLTF/.

⁸ For more information, please see: <http://www2.epa.gov/emergency-response/national-contingency-plan-subpart-j>.

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. The Agency 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:

- **Toxicity of sediment oiled with diluted bitumens to freshwater and estuarine species:** When oil is spilled into an aquatic environment such as lakes, rivers, and oceans, it can harm organisms that live in and near the water environment due to the toxic properties of oil and, potentially, the chemicals used to treat spills. For safe response to oil spills, it is important to understand the toxicity of heavy diluted bitumen (dilbit) oil. Dilbits are increasingly transported within North America and spills have occurred in freshwater and marine environments, with the 2010 Kalamazoo River Michigan being the largest freshwater spill of any oil type and one of the costliest in U.S. history. EPA expanded the knowledge on toxicity of diluted bitumen to aquatic species; this work was published in December 2020.⁹ New knowledge from this research helps for understanding broader ecological/environmental impacts of spilled oil in inland and coastal waters.

FY 2022 Activities and Performance Plan:

FY 2022 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.

Specific activities in FY 2022 include:

- Evaluate the toxicity of high-latitude crude oil treated with dispersants, surface washing agents and chemical herding agents on the NCP Product Schedule. New knowledge from this research helps the oil spill response by providing more reliable standardized toxicity testing results for oil and spill response agents in an aquatic environment.
- Conduct research to better understand oil behavior and dispersion under a variety of environmental conditions. This study aims to close information gaps pertaining to oil dispersion effectiveness with chemical dispersants on the NCP Product Schedule. It will provide valuable information on effectiveness of products in water with varying mixing energy, dosing, salinity, and temperature.

⁹ For more information, please see: Toxicity of sediment oiled with diluted bitumens to freshwater and estuarine amphipods. <https://doi.org/10.1016/j.marpolbul.2020.111941>.

- Conduct research of the aerobic biodegradation of petroleum oils treated with chemical herders and Surface Washing Agents (SWAs). This research is critical because (1) chemical herders are agents that remain in the environment after application and (2) SWAs are the most commonly used agents on the NCP Product Schedule. Thus, understanding the long-term fate of these agents is essential.

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 SHC Subcommittee of the BOSC 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 the impact of its research through a survey tool and discussion with key users. Metrics center around quality, usability and timeliness of particular research products. This provides evidence for how research products are being used and by whom. Through the evaluation process, the Agency is able to identify targeted areas for improvement. The most recent survey results for FY 2020 research products indicated more than 80 percent met partner needs. EPA is working to improve partner engagement by developing a partner dashboard.

EPA’s state engagement¹⁰ 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.

FY 2022 Change from FY 2021 Enacted Budget (Dollars in Thousands):

- (+\$2.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2.0) This program change is an increase to the Sustainable and Healthy Communities Oil Spills research program, focusing on adding to research capacity to support regulatory activities and protocol development for EPA’s programs and in support of state-delegated programs.

¹⁰ For more information on EPA’s engagement with states, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

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.