Environmental Protection Agency 2007 Annual Performance Plan and Congressional Justification

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

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Oil Spill Response				
Budget Authority / Obligations	\$17,594.9	\$15,629.0	\$16,506.0	\$877.0
Total Workyears	91.9	99.2	98.7	-0.5

BILL LANGUAGE: OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, [\$15,863,000] \$16,506,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

Program Projects in Oil Spill (Dollars in Thousands)

Program Project	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Compliance				
Compliance Assistance and Centers	\$270.1	\$284.0	\$280.2	(\$3.8)
Enforcement				
Civil Enforcement	\$1,900.7	\$1,910.0	\$1,826.3	(\$83.7)
IT / Data Management / Security				
IT / Data Management	\$39.5	\$31.0	\$32.5	\$1.5
Oil				
Oil Spill: Prevention, Preparedness and Response	\$13,991.5	\$12,066.0	\$12,964.6	\$898.6
Operations and Administration				
Facilities Infrastructure and Operations	\$552.1	\$500.0	\$499.3	(\$0.7)
Research: Land Protection				
Research: Land Protection and Restoration	\$841.0	\$838.0	\$903.1	\$65.1
Subtotal, Research: Land Protection and Restoration	\$841.0	\$838.0	\$903.1	\$65.1

Program Area: Compliance

Compliance Assistance and Centers

Program Area: Compliance Goal: Land Preservation and Restoration Objective(s): Restore Land

(Dollars in Thousands)

				FY 2007 Pres Bud
	FY 2005	FY 2006	FY 2007	v.
	Obligations	Enacted	Pres Bud	FY 2006 Enacted
Environmental Program & Management	\$27,207.0	\$27,935.0	\$28,890.7	\$955.7
Leaking Underground Storage Tanks	\$531.6	\$711.0	\$839.1	\$128.1
O'I G 'II D	44-0-	#2040	#200.2	(4.5.0)
Oil Spill Response	\$270.1	\$284.0	\$280.2	(\$3.8)
Hazardous Substance Superfund	\$27 0.1 \$0.0	\$28 4.0 \$11.0	\$280.2 \$22.2	\$11.2

Program Project Description:

The Compliance Assistance program is designed to prevent oil spills using Compliance Assistance and Civil Enforcement tools and strategies, and to prepare for and respond to any oil spill affecting the inland waters of the United States. EPA's oil program has a long history of effective response to major oil spills, and the lessons learned have helped to improve our country's prevention and response capabilities.

FY 2007 Activities and Performance Plan:

Pursuant to the Clean Water Act Section 311 (oil spill and hazardous substances) requirements, in FY 2007 the Agency will continue to provide compliance assistance to regulated entities to assist them in understanding their legal requirements under the Clean Water Act, and to provide them with cost effective compliance strategies to help prevent oil spills.

Performance Assessment:

The Civil Enforcement Program was rated adequate in the last PART review completed for the Program in 2004 based on preparation of a Measures Improvement Plan (MIP) to better characterize pollutant reductions with respect to hazard and exposure.

Performance Targets:

Measure Type	Measure	FY 2005 Actual	FY 2005 Target	FY 2006 Target	FY 2007 Target	Units
Outcome	Percentage of regulated entities receiving direct compliance assistance from EPA reporting that they improved EMP as a result of EPA assistance.	72	50	30	50	Percentage

Measure Type	Measure	FY 2005 Actual	FY 2005 Target	FY 2006 Target	FY 2007 Target	Units
Outcome	Percentage of regulated entities receiving direct assistance from EPA reporting that they reduced, treated, or eliminated pollution, as a result of EPA assistance.	13	25	10	12	Percentage

This program was included in the Civil Enforcement PART assessment for 2004 which received an overall rating of Adequate. More information is included in the Program Performance and Assessment Section. For more information, visit: http://www.epa.gov/oilspill/prevent.htm.

No prior data exists to evaluate the performance of these measures over a multi-year period. A baseline will be established in FY 2006.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (-\$13.9) This reflects a decrease in resources for Oil Spills enforcement.
- (+\$10.1) This reflects an increase for payroll and cost of living increases for existing FTE.

Statutory Authority:

OPA; CWA; CERCLA; PPA; NEPA; PHSA; DREAA; SDWA; Executive Order 12241; Executive Order 12656.

Program Area: Enforcement

Civil Enforcement

Program Area: Enforcement Goal: Land Preservation and Restoration Objective(s): Restore Land

(Dollars in Thousands)

				FY 2007 Pres Bud
	FY 2005	FY 2006	FY 2007	v.
	Obligations	Enacted	Pres Bud	FY 2006 Enacted
Environmental Program & Management	\$113,719.7	\$117,807.0	\$120,777.7	\$2,970.7
Oil Spill Response	\$1,900.7	\$1,910.0	\$1,826.3	(\$83.7)
Hazardous Substance Superfund	\$625.2	\$796.0	\$883.0	\$87.0
Total Budget Authority / Obligations	\$116,245.6	\$120,513.0	\$123,487.0	\$2,974.0
Total Workyears	933.9	960.7	958.5	-2.2

Program Project Description:

This portion of the Civil Enforcement program is designed to prevent oil spills using civil enforcement and compliance assistance approaches, and to prepare for, and respond to, any oil spills affecting the inland waters of the United States. EPA's oil program has a long history of effective response to oil spills, including several major incidents. The lessons learned have helped to improve our country's prevention and response capabilities. For more information visit: www.epa.gov/oilspill/index.htm.

FY 2007 Activities and Performance Plan:

Pursuant to Clean Water Act Section 311 (Oil Spill and Hazardous Substances) requirements, EPA's Civil Enforcement program will develop policies; issue administrative cleanup orders and/or judicial actions for injunctive relief; assess civil penalties for violations of those orders or for spills into the environment; and assist in the recovery of cleanup costs expended by the government. In FY 2007, the program will also provide support for field investigations and inspections of spills, as well as Spill Control Countermeasure compliance assistance.

Performance Assessment:

The Civil Enforcement Program was rated adequate in the last PART review completed for the Program in 2004 based on preparation of a Measures Improvement Plan (MIP) to better characterize pollutant reductions with respect to hazard and exposure.

Performance Targets:

This program was included in the Civil Enforcement PART assessment in 2004, which received an overall rating of Adequate. One of the program measures, pounds of pollutants reduced, looks at the overall reduction in pollution as a result of enforcement actions. We are exploring methodologies to extend the measure by: 1) adding components that deal with pollutant hazard; and 2) identifying an indicator of the population that would have been exposed to the pollutant. Work under this program supports the Preserve Land Goal. Currently, there are no performance measures specific to this program project.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$12.3) This increase will be used to issue administrative cleanup orders and other civil enforcement actions relating to the oil spills requirements under the Clean Water Act, Section 311.
- (-\$96.0) This decrease is the net effect of increases for payroll and cost of living for existing FTE, combined with a reduction based on the recalculation of base workforce costs.

Statutory Authority:

OPA; CWA; CERCLA; NEPA; Pollution Prosecution Act.

Program Area: 1	IT / Data Man	agement / Security

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Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$84,371.1	\$94,567.0	\$96,807.2	\$2,240.2
Science & Technology	\$4,141.3	\$4,173.0	\$4,268.0	\$95.0
Leaking Underground Storage Tanks	\$108.0	\$182.0	\$175.9	(\$6.1)
Oil Spill Response	\$39.5	\$31.0	\$32.5	\$1.5
Hazardous Substance Superfund	\$17,734.0	\$17,053.0	\$17,120.4	\$67.4
Total Budget Authority / Obligations	\$106,393.9	\$116,006.0	\$118,404.0	\$2,398.0
Total Workyears	510.4	486.4	488.0	1.6

Program Project Description:

The Oil IT/Data Management program supports the development of the Agency's Enterprise Architecture and develops analytical tools (e.g., Environmental Indicators) to ensure sound environmental decision-making. The program implements the Agency's e-Government responsibilities as well as designs, develops and manages the Agency's Internet and Intranet In addition, the IT/Data Management program resources including the Integrated Portal. supports the development, collection, management, and analysis of environmental data (to include both point source and ambient data) to manage statutory programs and to support the Agency in strategic planning at the national, program, and regional levels, and provides a secure, reliable, and capable information infrastructure based on a sound enterprise architecture which includes data standardization, integration, and public access. The program manages the Agency's Quality System ensuring EPA's processes and data are of quality and adhere to Federal guidelines, and supports Oil information technology infrastructure, administrative and environmental programs, and telecommunications. These functions are integral to the implementation of Agency information technology programs and systems like the Exchange Network, the Central Data Exchange (CDX, http://www.epa.gov/cdx) and Permit Compliance System (PCS, http://www.epa.gov/enviro/html/pcs/index.html) Agency Offices rely on the IT/Data Management program and its capabilities to develop and implement tools for ready access to accurate and timely data.

FY 2007 Activities and Performance Plan:

In FY 2007 the Oil Spill resources continue to support EPA's 'Readiness to Serve' infrastructure program. This program delivers secure information services to ensure that the Agency and

program have a full range of information technology infrastructure components (e.g., user equipment, network connectivity, e-mail, application hosting, remote access) that make information accessible across the spectrum of mission needs at all locations.

Performance Targets:

Work under this program supports multiple performance objectives. Currently there are no performance measures specific to this program project.

FY 2007 Change from FY 2006 President's Budget (Dollars in Thousands):

• (+\$1.5) This resource adjustment reflects additional use of Agency's information technology infrastructure components for the Oil appropriation.

Statutory Authority:

Federal Advisory Committee Act; Government Information Security Reform Action; CERCLA; CAA and amendments; CWA and amendments; Environmental Research, Development, and Demonstration Act; TSCA; FIFRA; Food Quality Protection Act; Safe Drinking Water Act and amendments; Federal Food, Drug and Cosmetic Act; Emergency Planning and Community Right-to-Know; RCRA; SARA; GPRA; GMRA; Clinger-Cohen Act; Paperwork Reduction Act; FOIA; Computer Security Act; Privacy Act; EFOIA; EPAct.

Program Area: Oil

Oil Spill: Prevention, Preparedness and Response

Program Area: Oil

Goal: Land Preservation and Restoration

Objective(s): Restore Land

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Oil Spill Response	\$13,991.5	\$12,066.0	\$12,964.6	\$898.6
Total Budget Authority / Obligations	\$13,991.5	\$12,066.0	\$12,964.6	\$898.6
Total Workyears	81.9	82.5	82.0	-0.5

Program Project Description:

The Oil Program protects U.S. waters by effectively preventing, preparing for, responding to and/or monitoring oil spills. EPA conducts oil spill prevention, preparedness, and enforcement activities associated with the over half million non-transportation-related oil storage facilities that EPA regulates through its spill prevention program. The Spill Prevention, Control and Countermeasures (SPCC) regulation and the Facility Response Plan (FRP) regulations establish EPA's oil program regulatory framework. In addition to its prevention responsibilities, EPA serves as the lead responder for cleanup of all inland zone spills, including transportation-related spills from pipelines, trucks, and other transportation systems. EPA accesses the Oil Spill Liability Trust Fund, administered by the U.S. Coast Guard, to obtain reimbursement for site specific spill response activities. Over 24,000 oil spills occur in the U.S. every year, with half of these spills to the inland zone over which EPA has jurisdiction. On average, one spill of greater than 100,000 gallons occurs every month from EPA-regulated oil storage facilities and the inland oil transportation network.

FY 2007 Activities and Performance Plan:

In FY 2007, EPA intends to finalize regulatory changes that are to be proposed in mid-2006. These changes are designed to clarify a number of technical issues associated with the SPCC rule requirements and to address specific sector adjustments that arise from regulatory work to be completed in calendar year 2006 on small businesses. farms and other sectors. Substantial supporting work, including data gathering activities and responding to public comments on the proposed rule, will be necessary to complete rule finalization by June 2007. EPA also expects to revise and update guidance that was issued in calendar year 2005 to ensure it reflects current rule requirements **Performance Assessment:** EPA's Oil Spill Program was assessed under PART in FY 2005. program's purpose is to carry out, in part, the national policy that prohibits oil discharge from vessels and facilities. EPA's role is to prevent, prepare for and respond to oil discharges from nontransportation-related onshore facilities to navigable waters of the US and adjoining shorelines. Program resources are allocated to EPA headquarters, which provides regulatory support and coordinates regional activities and EPA's ten regional offices, which implement the regulations, perform inspections and maintain spill response infrastructure. In 2005, the Oil Program received an overall rating of "Adequate" from OMB's PART review because it established performance and efficiency measures. EPA will issue draft guidance in spring 2006 to regional program managers for use in understanding and reporting on performance measures.

and input from stakeholders. The Agency also intends to complete a proposed rulemaking for the National Oil and Hazardous Substances Pollution Contingency Plan, Subpart J, which required EPA to prepare a schedule of chemical and biological oil spill countermeasures. In 2007, the Agency expects to respond to or monitor 300 oil spill responses.

The largest oil storage facilities and refineries must prepare Facility Response Plans (FRPs) to identify response resources and ensure their availability in the event of a worst case discharge. FRPs establish communication, address security, identify an individual with authority to implement removal actions, and describe training and testing drills at the facility. In FY 2007, EPA will continue to review/approve FRPs and conduct inspections at 200 FRP facilities. EPA will emphasize emergency preparedness, particularly through the use of unannounced drills and exercises, to ensure facilities and responders can effectively implement response plans.

Working with area committees (state, local and Federal officials in a given geographic location), EPA will continue to enhance the existing National Preparedness for Response Exercise Program by strengthening area and regional contingency plans (ACPs, RCPs). The ACPs detail the responsibilities of various parties in the event of a spill/release, describe unique geographical features, sensitive ecological resources, and drinking water intakes for the area covered, and identify available response equipment and its location. EPA conducts a small number of ACP exercises each year to evaluate and strengthen the plans.

Performance Targets:

Measure Type	Measure	FY 2005 Actual	FY 2005 Target	FY 2006 Target	FY 2007 Target	Units
Output	Compliance rate of inspected facilities subject to Facility Response Plan (FRP) regulations.	77	100	100	100	percent

Measure Type	Measure	FY 2005 Actual	FY 2005 Target	FY 2006 Target	FY 2007 Target	Units
Output	Compliance rate of inspected facilities subject to Spill Prevention, Control and Countermeasures (SPCC) regulations.	100	100	100	100	percent

As part of the 2005 PART process, EPA developed five new performance measures for its Oil Program, including two annual output measures, one long-term outcome measure, one efficiency measure and one long-term output measure. EPA has also developed baselines for each of these performance measures using data from 2003 and 2004.

To increase data accuracy and completeness for the new measures, EPA will take the following steps: 1) issue guidance in spring 2006 to Regional program managers to be utilized during

assessing performance measures; 2) implement a web-based performance measure reporting system by the end of FY 2006; and 3) complete analysis of the National Response Center's database and report recommendations for changes to improve data quality by the end of FY 2006.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$771.9) This reflects an increase for payroll and cost of living for existing FTE.
- (+\$126.7) This increase will support continued audits and inspections at regulated facilities.
- (-0.5 FTE) This decrease reflects a change in EPA's workforce management strategy that will help the Agency better align resources, skills, and Agency priorities.

Statutory Authority:

Federal Water Pollution Control Act as amended by the OPA of 1990. The regulatory framework includes the Oil and Hazardous Substances NCP (40 CFR Part 300) and the Oil Pollution Prevention regulation (40 CFR Part 112) which covers the SPCC, and FRP program requirements.

Program Area: Operations and Administration

Facilities Infrastructure and Operations

Program Area: Operations and Administration

Goal: Provide Agency-wide support for multiple goals to achieve their objectives. This support involves Agency-wide activities primarily provided by EPA's six (6) support offices - the Office of Administration and Resources Management (OARM), Office of the Chief Financial Officer (OCFO), Office of Environmental Information (OEI), Office of General Counsel (OGC), Office of the Administrator (OA), and the Office of Inspector General (OIG).

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Environmental Program & Management	\$317,744.7	\$343,908.0	\$294,760.1	(\$49,147.9)
Science & Technology	\$8,892.1	\$8,511.0	\$70,239.5	\$61,728.5
Building and Facilities	\$32,244.5	\$28,295.0	\$28,430.9	\$135.9
Leaking Underground Storage Tanks	\$982.9	\$894.0	\$916.8	\$22.8
Oil Spill Response	\$552.1	\$500.0	\$499.3	(\$0.7)
Hazardous Substance Superfund	\$65,156.8	\$69,667.0	\$73,944.7	\$4,277.7
Total Budget Authority / Obligations	\$425,573.1	\$451,775.0	\$468,791.3	\$17,016.3
Total Workyears	364.1	437.2	438.6	1.4

Program Project Description:

Oil Spill account resources in the Facilities Infrastructure and Operations Program Project are used to manage activities and support services in many centralized administrative areas such as health and safety, environmental compliance, occupational health, medical monitoring, fitness/wellness and safety, and environmental management functions at EPA. Oil appropriation resources for this program also support a full range of ongoing facilities management services including: facilities maintenance and operations; Headquarters security; space planning; shipping and receiving; property management; printing and reproduction; mail management; and transportation services.

FY 2007 Activities and Performance Plan:

- The Agency will continue to manage its lease agreements with the General Services Administration (GSA) and other private landlords by conducting rent reviews and verifying that monthly billing statements are correct.
- EPA will provide transit subsidy to eligible applicants as directed by Executive Order 13150¹ "Federal Workforce Transportation."

¹ Additional information available at http://ceq.eh.doe.gov/nepa/regs/eos/eo13150.html

Performance Targets:

Work under this program supports multiple objectives. Performance information is included in the Program Performance and Assessment section.

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

• (-\$0.7) This decrease is the net effect of increases for facility operations support, and payroll and cost of living increases for existing FTE, combined with a reduction based on the recalculation of base workforce costs.

Statutory Authority:

FPASA; PBA; annual Appropriations Acts; CWA; CAA; D.C. Recycling Act; Executive Orders 10577 and 12598; United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Homeland Security Presidential Decision Directive 63 (Critical Infrastructure Protection).

Program Area: Research: Land Protection

Research: Land Protection and Restoration

Program Area: Research: Land Protection Goal: Land Preservation and Restoration Objective(s): Enhance Science and Research

(Dollars in Thousands)

	FY 2005 Obligations	FY 2006 Enacted	FY 2007 Pres Bud	FY 2007 Pres Bud v. FY 2006 Enacted
Science & Technology	\$10,257.6	\$11,606.0	\$10,552.8	(\$1,053.2)
Leaking Underground Storage Tanks	\$699.3	\$634.0	\$651.3	\$17.3
Oil Spill Response	\$841.0	\$838.0	\$903.1	\$65.1
Hazardous Substance Superfund	\$23,322.6	\$22,927.0	\$21,963.9	(\$963.1)
Total Budget Authority / Obligations	\$35,120.5	\$36,005.0	\$34,071.1	(\$1,933.9)
Total Workyears	138.9	135.4	142.8	7.4

Program Project Description:

Land protection research in the oil spills area focuses on three aspects: test protocol development, fate and transport modeling, and remediation. EPA develops and uses protocols for testing various spill response product classes to pre-qualify products as required by the preparedness and response requirements of the Oil Pollution Act of 1990.

Research is guided by the long term *Waste Research Strategy*², which was developed with participation from major clients and outlines research needs and priorities. Testing products ensures they work as claimed and provides access to effective means to reduce damage when an oil spill occurs. These research efforts are guided by multi-year plans (MYPs)³, developed with input from across the Agency, which outline steps for meeting the needs of Agency programs and for evaluating progress through annual performance goals and measures. Specific human health risk and exposure assessments and methods are discussed and conducted under the Human Health Risk Assessment program.

The Board of Scientific Counselors (BOSC), a distinguished body of scientists and engineers who are recognized non-government experts from academia and industry, evaluates the Agency's research programs, national laboratories, centers, and offices, and management practices, and provides peer review, including evaluation of the program's peer review policies and research plans and products. The Land Protection and Restoration research program was

² EPA, Office of Research and Development, *Waste Research Strategy (Washington: EPA)*. For additional information please go to: http://www.epa.gov/ord/htm/documents/wastepub.pdf

³ For additional information, please go to: http://www.epa.gov/osp/myp

The Waste Research Strategy outlines the research needs and priorities at the time it was prepared. To guide these research efforts as progress is made and new needs emerge, EPA develops multi-year research plans that are revised periodically. EPA is currently merging the Contaminated Sites and RCRA Multi-Year Plans (MYPs) into one cohesive Land Research MYP, with input from across the Agency, to ensure research conducted continues to support the Agency's mission to protect human health and the environment.

reviewed by the BOSC in FY 2006 (December 2005). The BOSC will report its findings to the Agency in the 2nd quarter of 2006.

FY 2007 Activities and Performance Plan:

Oil spill model development will include linkage of EPA's Research Object Oriented Oil Spill Model (ERO3s) to uncertainty analysis tools (R&D Criteria: Performance), and incorporation of exposure simulation with various modeled response actions (R&D Criteria: Relevance). Remediation research continues on physical, chemical, and biological risk management methods for petroleum and non-petroleum oils spilled to freshwater and marine environments. Research

Performance Assessment: The Land Research and Restoration program is scheduled for PART review in 2006. The program has begun developing and refining outcome-based performance measures in order to demonstrate results.

products are presented at meetings and posted or linked on EPA's oil spills web site for use by oil spill managers (R&D Criteria: Quality, Performance).

For example, research on dispersion has led to development of a wave tank that more accurately simulates breaking wave conditions and the effectiveness of dispersants (R&D Criteria: Quality, Performance). This research is also highlighted on the Oil Spills Program's website⁴. Research products are posted on this website for easy access by spill managers and responders⁵.

Performance Targets:

Work under this program supports restoring land. Research milestones are identified in the program's multi-year planning documents, but there are currently no annual performance measures that meet the requirements of the PART guidance (i.e., that can demonstrate progress toward established long-term outcome goals).

FY 2007 Change from FY 2006 Enacted Budget (Dollars in Thousands):

- (+\$56.7) This increase for research will support efforts in remediation research and oil spill model uncertainty analysis.
- (+\$8.4) This reflects an increase for payroll and cost of living for existing FTE.

Statutory Authority:

SWDA; HSWA; SARA; CERCLA; RCRA; OPA; BRERA.

⁴ For additional information please go to: http://www.epa.gov/oilspill/wavetank.htm

⁵ For additional information please go to: http://www.epa.gov/oilspill/science.htm

Environmental Protection Agency

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Oil Spill

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