

Protect Drinking Water from Chemical Spills

Aboveground storage tanks spill hazardous substances into water bodies thousands of times each year. In 2016, the U.S. Environmental Protection Agency (EPA) committed to develop safeguards to prevent and clean up these chemical releases to water.

EPA has now formally proposed to do — [nothing](#).¹ EPA is arguing that other programs do enough to prevent and clean up spills and releases from storage tanks and other industrial facilities. A patchwork of programs with different purposes and with their own flaws and loopholes does not meet the goals of the Clean Water Act.

[EPA is requesting comments on the proposed “Do Nothing Rule” until August 24. Help us tell EPA to protect our drinking water sources, rivers, lakes, and streams from leaking storage tanks and other chemical spills that threaten our health, our water, and wildlife.](#)

BACKGROUND

The Clean Water Act, passed in 1972, directed EPA to create a program to prevent spills and leaks of hazardous substances into water bodies. Like the “Spill Prevention, Control and Countermeasure (SPCC)” program for oil spills, the hazardous spill prevention program was meant to protect drinking water sources and ensure that water remains safe for fishing, recreation, and wildlife habitat.

Unfortunately, EPA never set up such a program. This leaves communities near facilities where spills and leaks could occur in jeopardy. A 2014 Environmental Justice Health Alliance report [Who’s In Danger: A Demographic Analysis of Chemical Disaster Vulnerability Zones](#)² found that communities of color and low-income communities are at risk from chemical releases from over 3,000 facilities across the country.

In 2014, a corroded chemical storage tank leaked 10,000 gallons of a chemical used to process coal into the Elk River in West Virginia. The Elk River is the sole drinking water source for more than 300,000 people, who were left with water that could only be used for toilet flushing and firefighting for more than a week. In the wake of this disaster, the Environmental Justice Health Alliance, People Concerned About Chemical Safety, and the Natural Resources Defense Council³ sued EPA to develop the long-overdue Clean Water Act program to prevent and clean-up hazardous discharges into water. In 2016, EPA agreed to finalize these safeguards by 2019.

Instead of proposing this vital program, the agency responded to the lawsuit by announcing it would not propose a plan at all.



WHAT IS EPA PROPOSING?

Nothing. EPA is proposing to take no new action at this time (Summer 2018). The agency has reviewed other federal programs that impact storage and release of hazardous substances. It has also reviewed records of some of the spills that occur nationwide each year. The agency claims that not enough uncontrolled releases into water occur each year to justify a new regulation. The agency also claims that existing programs are solving the problem.

WHAT IS WRONG WITH EPA'S PROPOSAL?

- The Clean Water Act requires a program specifically to prevent aboveground storage tank spills. Other federal programs do not address this problem comprehensively.
- Thousands of chemical spills from storage tanks put water and communities at risk every year.
- Hazardous spills to water disproportionately impact communities with high concentrations of risky facilities, often low-income communities and communities of color.
- EPA's analysis dismisses the impact that chemical spills from storage tanks and other facilities can have on people's health, on drinking water sources, and on communities' well-being.
- Drinking water sources are of particular concern. Preventing contamination of drinking water sources is always the most health-protective, cost-effective, and efficient approach to dealing with hazardous releases.
- We need robust plans for prevention of chemical spills, and for containing and cleaning up hazardous substance discharges. Otherwise, there will be gaps in protection for drinking water sources, for people's health, and for water quality that is safe for swimming, other recreation, fishing, and wildlife.

TIMELINE

1972: Clean Water Act authorizes the U.S. Environmental Protection Agency (EPA) to protect water from spills and leaks of hazardous substances

2014: A leaking storage tank contaminates the Elk River in West Virginia, leaving over 300,000 people with unusable water for over a week

2016: EPA settles lawsuit agreeing to finally set up a prevention program

2018: EPA announces its program will be "no program"

TAKE ACTION! Tell EPA to protect drinking water sources from chemical spills:

www.cleanwater.org/chemspill

You may also send comments by mail to:

U.S. Environmental Protection Agency
EPA Docket Center
Clean Water Act Hazardous Substances Discharge Prevention Action
Docket ID No. EPA-HQ-OLEM-2018-0024
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

- 1 EPA website, Rulemaking for Preventing Hazardous Substance Spills, <https://www.epa.gov/rulemaking-preventing-hazardous-substance-spills>
- 2 Environmental Justice and Health Alliance for Chemical Policy Reform, Who's in Danger? Race, Poverty, and Chemical Disasters, May 2014, <https://comingcleaninc.org/assets/media/images/Reports/Who%27s%20in%20Danger%20Report%20FINAL.pdf>
- 3 Natural Resources Defense Council press release, February 2017, <https://www.nrdc.org/media/2016/160217-0>

