

Environmental Protection Agency

FY 2001 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Strategic Goal: EPA will ensure full compliance with the laws intended to protect human health and the environment.

Resource Summary (Dollars in Thousands)

		FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request	FY 2001 Req. v. FY 2000 Ena.
Goal 09	A Credible Deterrent to Pollution and Greater Compliance with the Law	\$322,088.2	\$372,755.6	\$403,771.5	\$31,015.9
Obj. 01	Enforcement Tools to Reduce Non-Compliance	\$279,217.7	\$323,338.2	\$351,306.7	\$27,968.5
Obj. 02	Increase Use of Auditing, Self-Policing Policies	\$42,870.5	\$49,417.4	\$52,464.8	\$3,047.4
	Total Workyears	2,587.8	2,570.8	2,572.7	1.9

Background and Context

Protecting the public and the environment from risks posed by violations of environmental requirements is, and always has been, basic to EPA's mission. Many of America's environmental improvements over the last 25 years are attributable to a strong set of environmental laws and an expectation of compliance with those laws. EPA's strong and aggressive enforcement program has been the centerpiece of efforts to ensure compliance, and has achieved significant improvements in human health and the environment.

Means and Strategies

Many of the environmental improvements in this country during the past three decades can be attributed to a strong set of environmental laws and EPA's aggressive enforcement of them. Due to the breadth and diversity of private, public, and federal facilities regulated by EPA under various statutes, the Agency needs to target its enforcement and compliance assurance activities strategically to address the most significant risks to human health and the environment and to ensure that certain

populations do not bear a disproportionate environmental burden. A strong enforcement program identifies non-compliance problems, punishes violators, strives to secure a level economic playing field for law-abiding companies, and deters future violations. EPA's continued enforcement efforts will be strengthened through the development of measures to assess the impact of enforcement activities and assist in targeting areas that pose risks to human health or the environment, display patterns of non-compliance and include disproportionately exposed populations.

State, tribal and local governments bear much of the responsibility for ensuring compliance, and EPA works in partnership with them and other Federal agencies to promote environmental protection. Further, EPA cooperates with other nations to enforce and ensure environmental regulations compliance. At the Federal level, EPA addresses its responsibilities under the National Environmental Policy Act (NEPA) by seeking remedies for potentially adverse impacts of major actions taken by EPA and other Federal agencies.

The Agency's enforcement and compliance assurance program uses voluntary compliance assistance and incentive tools to ensure compliance with regulatory requirements and reduce adverse public health and environmental problems. Because government resources are limited, maximum compliance requires the active efforts of the regulated community to police itself. EPA supports the regulated community by assuring that requirements are clearly understood and by helping industry find cost-effective options to comply through the use of pollution prevention and innovative technology. EPA will continue to investigate options for encouraging self-directed audits and disclosure; measure and evaluate the effectiveness of Agency programs in improving compliance rates; provide information and compliance assistance to the regulated community; and develop innovative approaches to meeting environmental standards through better communication, cooperative approaches and application of new technologies.

Strategic Objectives and FY 2001 Annual Performance Goals

Objective 01: Enforcement Tools to Reduce Non-Compliance

- Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.
- EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

- EPA will conduct 15,000 inspections, 550 criminal investigations, and 150 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.
- Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Objective 02: Increase Use of Auditing, Self-Policing Policies

- Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.
- Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

Highlights

Compliance Monitoring and Civil and Criminal Enforcement

EPA will continue to support deterrence and compliance activities by devoting a vast majority of its compliance monitoring resources for on-site inspections and investigations including monitoring, sampling and emissions testing. In 2001, the compliance monitoring program will continue the cross-cutting, multi-media initiatives begun in 1999 which make full use of the Agency’s statutory authorities.

The civil and criminal enforcement program, in contributing to EPA’s goal to protect public health and the environment, targets its actions based on health and environmental risk. Further, the program aims to level the economic playing field by ensuring that violators do not realize an economic benefit from non-compliance and seeks to deter future violations. In 2001, the Agency’s enforcement initiatives include continued enforcement of regulated sources contributing to beach and shellfish area closings, in support of the Clean Water Action Plan (CWAP), enforcement of the lead paint rules, and modernization of its data systems to assist in targeting compliance and enforcement efforts.

Compliance Incentives and Assistance

The Agency will continue to support the regulated communities’ compliance with environmental requirements through voluntary compliance incentives and assistance programs. In 2001, the compliance incentives program will continue to implement the policy on Incentives for Self-Policing as a core element of the enforcement and compliance assurance program. In addition, the Agency will provide information and technical assistance to the regulated community through

the compliance assistance program to increase its understanding of all statutory or regulatory environmental requirements, thereby reducing risk to human health and the environment and gaining measurable improvements in compliance. The program will also continue to develop strategies and compliance assistance tools that will support initiatives targeted toward improving compliance in specific industrial and commercial sectors or with certain regulatory requirements.

State and Tribal Capacity

A strong state and tribal enforcement and compliance assurance presence contributes to creating deterrence and to reducing non-compliance. In 2001, the enforcement and compliance assurance programs will work with and support state agencies implementing authorized, delegated, or approved environmental programs. Consistent with regulations and EPA policy, the Agency will provide an appropriate level of oversight and guidance to states to ensure that environmental regulations are fairly and consistently enforced across the nation.

The Agency provides grant funding, oversight, training and technical assistance to states and tribes. The state and tribal grant programs are designed to build environmental partnerships with states and tribes and strengthen their ability to address environmental and public health threats. These threats include contaminated drinking water, pesticides in food, hazardous waste, toxic substances and air pollution.

External Factors

The Agency enforcement program's ability to meet its annual performance goals may be affected by a number of factors. Projected performance would be impacted by natural catastrophes, such as major floods or significant chemical spills, that require a redirection of enforcement resources to address immediate environmental threats. Many of the targets are predicated on the assumption that state and Tribal partners will continue or increase their levels of enforcement and compliance work. If these assumptions do not come to fruition, EPA's resources may be needed to cover priority areas. In addition, several EPA targets rely on the Department of Justice to accept and execute case loads. The success of EPA's activities hinge on the availability and applicability of technology and information systems. Finally, the regulated community's willingness to comply with the law will greatly influence EPA's ability to meet its performance goals.

Other factors such as the number of projects subject to scoping requirements initiated by other federal agencies, the number of draft/final documents (Environmental Assessments and Environmental Impact Statements) submitted to EPA for review, streamlining requirements of Transportation Equity Act for the 21st Century (TEA-21), and the responsiveness of other federal agencies to environmental concerns raised by EPA may also impact the Agency's ability to meet its performance goals.

The Agency's ability to address issues under the National Environmental Policy Act (NEPA) may be significantly affected by the number of project proposals submitted to EPA for funding or permits that require NEPA compliance.

Environmental Protection Agency

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A Credible Deterrent to Pollution and Greater Compliance with the Law

Objective # 1: Enforcement Tools to Reduce Non-Compliance

Identify and reduce significant non-compliance in high priority program areas, while maintaining a strong enforcement presence in all regulatory program areas.

Resource Summary (Dollars in Thousands)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request	FY 2001 Req. v. FY 2000 Ena.
Enforcement Tools to Reduce Non-Compliance	\$279,217.7	\$323,338.2	\$351,306.7	\$27,968.5
Environmental Program & Management	\$188,095.7	\$228,874.7	\$253,363.1	\$24,488.4
Science & Technology	\$8,583.9	\$9,677.7	\$10,631.7	\$954.0
State and Tribal Assistance Grants	\$67,884.4	\$68,284.3	\$68,284.3	\$0.0
Hazardous Substance Superfund	\$14,653.7	\$16,501.5	\$19,027.6	\$2,526.1
Total Workyears	2,144.1	2,148.2	2,149.2	1.0

Key Programs
(Dollars in Thousands)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request
Civil Enforcement - CWAP/AFO Related	\$0.0	\$935.6	\$1,008.6
RCRA State Grants	\$43,222.7	\$43,222.7	\$43,222.7
Compliance Monitoring	\$57,462.0	\$56,404.2	\$67,519.5
Civil Enforcement	\$83,650.4	\$82,350.9	\$92,090.1
Criminal Enforcement	\$34,436.5	\$37,128.8	\$41,530.2
Compliance Assistance and Centers	\$36.6	\$0.0	\$0.0
Enforcement Training	\$3,804.0	\$5,705.4	\$5,728.2
State Pesticides Enforcement Grants	\$19,511.7	\$19,911.6	\$19,911.6
State Toxics Enforcement Grants	\$5,149.6	\$5,150.0	\$5,150.0
Rent, Utilities and Security	\$0.0	\$35,123.3	\$40,847.2
Administrative Services	\$1,521.4	\$4,400.6	\$4,630.1
Regional Management	\$0.0	\$900.2	\$971.6

FY 2001 Request

Protecting the public and the environment from risks posed by violations of environmental requirements is, and always has been, basic to EPA's mission. The Agency's strong and aggressive enforcement program has been the centerpiece of efforts to ensure compliance, and has achieved significant improvements in public health and the environment. By identifying and addressing violations of environmental statutes and regulations, the enforcement and compliance assurance program will work toward continuous improvement in compliance with standards, permits and other requirements established by EPA to mitigate and avoid environmental problems and the associated risk.

Given the scope of its responsibilities and the large, diverse universe of private, public, and federal facilities regulated under the various statutes, the Agency also will work to maximize its effectiveness by strategically targeting its enforcement and compliance activities to address the most significant risks to human health and the environment and to address disproportionate burden on certain populations. A strong enforcement and compliance program achieves environmental protection by identifying non-compliance problems, punishing violators and deterring future violations, while ensuring a level economic playing field for law-abiding companies.

State, tribal and local governments bear much of the responsibility for ensuring compliance, and EPA will work with them and other Federal agencies to promote environmental protection. Further, EPA will cooperate with other nations to enforce and ensure compliance with international agreements affecting the environment. These activities also ensure a level economic playing field in an increasingly global trading system.

In 2001, the Agency's enforcement and compliance assurance program will measure its performance not only in terms of inspections, enforcement actions and pollutant reductions, but also in terms of human health and environmental outcomes the program produces. This annual plan contains new annual performance goals and measures to show results such as reducing significant non-compliance and returning violators to compliance and behavioral changes resulting from compliance assistance efforts. These new measures will complement the traditional enforcement measures and portray a more complete picture of the environmental results of the enforcement and compliance assurance program.

The enforcement and compliance assurance key program areas for this objective follow:

Compliance Monitoring

EPA's compliance monitoring program requests a total of 564.2 workyears and \$67,519,500 to review and evaluate the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions and settlement agreements and to determine whether conditions presenting imminent and substantial endangerment may exist. The vast majority of workyears devoted to compliance monitoring is provided to the Regions to conduct investigations and on-site inspections including monitoring, sampling and emissions testing. Compliance monitoring activities are both environmental media- and sector-based. The traditional media-based inspections are a key strategy for meeting the long-term and annual goals established for the air, water, pesticides, and hazardous waste environmental goals included in the EPA Strategic Plan. The multi-media approaches, such as cross-media inspections, sector initiatives, and risk-based targeting allow the Agency to take a more holistic approach to protecting ecosystems and to solving the more intractable environmental problems.

In 2001, the compliance monitoring program will continue to target areas that pose risks to human health or the environment, display patterns of non-compliance, or include disproportionately exposed populations. Media-specific and industry sector-based priorities have been established for the national program through the Office of Enforcement and Compliance Assurance's Memorandum of Agreement 2000/2001 guidance, developed in conjunction with the Regional offices. These national priorities include:

- Supporting the Clean Water Action Plan by monitoring compliance with wet weather requirements, such as overflows from combined sewers or sanitary sewers, concentrated animal feeding operations, and storm water run-off.
- Ensuring compliance with the drinking water regulations that deal with microbial contamination and, per the Clean Water Action Plan, increasing activities in watersheds where sources of drinking water are contaminated or threatened.

- Targeting companies which handle hazardous waste illegally by evading the RCRA regulatory system.
- Continuing to focus on the petroleum refining sector and a new focus on the metal services industrial sector.

In 2001, EPA estimates that it will conduct 15,000 inspections and 550 civil and criminal investigations targeted to areas that pose risks to human health or the environment, display patterns of noncompliance or include disproportionately-exposed populations. In 2001, EPA intends to conduct 50% of its inspections and investigations in national and regional priority areas.

To address the dangers of childhood lead-poisoning, EPA will invest support Senior Environmental Employment (SEE) inspectors in the Regions. The SEE enrollees will conduct inspections. Inspections will target child-occupied facilities, built prior to 1978, in low-income and minority neighborhoods and areas of older housing to ensure compliance with the lead-based paint rules addressing disclosure, pre-renovation, training and certification and lead debris. The inspectors will conduct approximately 4,200 inspections per year of up to 18,000 housing units.

The Federal facility enforcement program monitors the compliance of Federal agency operations with all applicable environmental laws, regulations, permits and executive orders. Under the Federal Facility Compliance Act (FFCA), EPA conducts hazardous waste inspections of all Federal treatment, storage and disposal (TSD) facilities. The program will also conduct single media and multimedia inspections to ensure compliance by Federal facilities. The program will use all available enforcement authorities (e.g., RCRA, SDWA, UST, CAA, TSCA Sec. 408) to remedy non-compliance. EPA headquarters will provide targeting data to the Regions to use in conducting inspections and extramural resources to support inspections and audits at Federal facilities.

Reliable, comprehensive and up-to-date data systems are key to EPA's ability to effectively target compliance monitoring at the highest priority facilities and areas and to measure the effectiveness of its enforcement activities. EPA will continue to maintain and support the fourteen information systems that house national enforcement and compliance data with less than 5% downtime. Moreover, EPA will continue its effort to improve the quality of compliance and enforcement data by developing Quality Management Plans for five of its data systems in 2001.

In addition, a major focus of the 2001 compliance monitoring program is the full-fledged implementation of the General Enforcement Management System (GEMS), the centerpiece of the Agency's Enforcement and Compliance Information initiative. In 2001, the Agency will invest \$2,600,000 in GEMS which is a consolidated enforcement and compliance information management system that will provide a single definitive source of information for the national enforcement and compliance assurance program. As the first major data integration system to be developed by EPA, GEMS will consolidate and streamline enforcement and compliance information that is currently contained in fourteen existing systems. This new system will reduce burden and duplication by providing a single source for data entry, will improve public access to data, support the development of risk reduction strategies, and will provide states and Regions with a modernized system to meet their program management and accountability responsibilities. The Agency's joint modernization of the Permit Compliance System (which serves the permitting and enforcement program needs of

the National Pollutant Discharge Elimination System) will support full implementation of GEMS in 2002. In 2001, EPA intends to complete GEMS programming development and begin system testing as well as to complete detailed design for the Permit Compliance System modernization.

Civil and Criminal Enforcement

The Agency's civil and criminal enforcement program requests a total of 1,246.7 workyears and \$133,620,300 to address violations of environmental laws and ensuring that violators come into compliance with these laws and regulations. The civil enforcement program supports the National Environmental Goals through consistent and focused enforcement of all environmental statutes. The civil enforcement program's overarching goal is to protect public health and the environment, and therefore, targets its actions based on health and environmental risk. Further, it aims to level the economic playing field by ensuring that violators do not realize an economic benefit from non-compliance, and seeks to deter future violations.

The civil enforcement program is responsible for the development, litigation and settlement of administrative and civil judicial cases. In 2001, program management will provide direction to, set goals and priorities for, and evaluate and review the national enforcement program which will be largely implemented by the Regions. Enforcement staff will develop guidance and policy for technical evaluations, investigations, and case development strategies which may include the use of injunctive relief, supplemental environmental projects and other civil penalties as appropriate. The Agency will provide expert advice and legal counsel on nationally significant enforcement actions and will initiate investigations against violators operating nationally. Further, enforcement staff will participate in the development of, or revision to, regulations and interpretive guidance to ensure they are enforceable.

In 2001, EPA will direct enforcement actions to maximize compliance and address environmental and human health problems. Efforts will be focused on the priority areas established for the national program through the Office of Enforcement and Compliance Assurance's Memorandum of Agreement (MOA) 2000/2001 guidance, developed in conjunction with the Regional offices. MOA priorities and the efforts that will be taken to support them include:

- Support of the Clean Water Action Plan

The National Pollution Discharge Elimination System (NPDES) program will maintain a strong enforcement presence in traditional areas and will continue moving into newer areas, supporting the Clean Water Action Plan. Traditionally, the program's compliance and enforcement efforts have been focused on the approximately 6,900 major facilities. However, the program is moving to address other facilities which, through their non-compliance, have major impacts on public health and the environment. These include municipalities with either combined sewer or sanitary sewer overflows, stormwater dischargers, and concentrated animal feeding operations. Run-off from wet weather (i.e., overflows from combined sewers, sanitary sewers, discharges and run-off from concentrated agricultural feeding operations (CAFO's) and storm water run-off) is a leading cause of water quality impairment and can represent a significant threat to public health. Sewer overflows contain bacteria and other pathogens which lead to illness and can lead to beach

and shellfish bed closures. The CAFOs can pose a number of risks to water quality and public health particularly as a result of large storm events.

- Ensuring compliance with the drinking water regulations that deal with microbial contamination and, per the Clean Water Action Plan, increasing activities in watersheds where sources of drinking water are contaminated or threatened.

EPA will continue to place the majority of its safe drinking water efforts on the public water system supervision program. In this program, EPA will maintain as its priority those regulations dealing with the microbiological quality of drinking water. The effects of contaminated drinking water can be severe, especially on children, the elderly, and persons with compromised immune systems. Adverse effects of microbial contamination include gastrointestinal distress, fever, pneumonia, dehydration (which can be life threatening), or death.

EPA's wetlands enforcement program will continue to target those violators which have a significant impact on the environment. EPA will continue to support the Clean Water Action Plan goal of a net increase of 100,000 acres of wetlands per year by 2005. EPA contributes to this through its enforcement actions by obtaining in settlements restoration of wetlands acres destroyed, mitigation projects where restoration is not possible, and preservation of wetlands acres.

- Targeting companies which handle hazardous waste illegally by evading the RCRA regulatory system.

The RCRA enforcement program will continue to focus on those facilities that have evaded the RCRA regulatory program and, as a result, are managing hazardous waste in a manner that threatens human health and the environment. In particular, the program will concentrate on the mineral processing sector, foundries, and fertilizer manufacturers.

In addition to efforts supporting the MOA priorities, the Agency will continue to maintain and strengthen the core enforcement program. Significant core activities include but are not limited to:

- efforts to prevent chemical accidents which will be accomplished by enforcement of the accidental release provisions of the Clean Air Act and by responding to situations that may present an imminent and substantial endangerment to human health or the environment with quick enforcement actions.
- multimedia investigations of larger corporations doing business in more than one Region and violating more than one environmental statute support the Agency goal of increasing the number of concluded enforcement actions that result in improved facility management practices. In addition to large penalties, the injunctive relief provided in these cases has resulted in environmental benefits and corporate change with respect to environmental management practices which are well beyond that

achievable if the cases were brought in single-media or facility by facility isolated manner.

- focus on industries that evade Clean Air Act regulatory programs, thereby causing excess emissions that jeopardize attainment of the National Ambient Air Quality Standards and placing complying industries at a competitive disadvantage. Initiatives under this category include targeting of stationary sources that violate “New Source Review” or Prevention of Significant Deterioration” (NSR/PSD) requirements, and the use of defeat devices and other approaches that prevent compliance with motor vehicle emissions standards.
- enforcement and implementation of residential lead-based paint homeowner/lessor right-to-know regulatory requirements to prevent childhood lead poisoning. The program will target urban residential areas where children have elevated blood lead levels. Childhood lead-based paint poisoning is the greatest environmental health threat to children, afflicting as many as 3,000,000 children under the age of 6 years, with minority and low-income communities disproportionately affected. Approximately 64 million homes may contain lead-based paint that may pose a hazard to the occupants if not managed properly.
- monitoring and enforcing against hospital disinfectants which are not capable of achieving efficacy claims as described on their labels.

The Federal facilities enforcement program will continue to ensure that Federal facilities and Government-Owned-Contractor-Operated (GOCO) facilities conduct their activities in an environmentally sound manner and comply with all applicable laws, regulations, permits and executive orders. EPA will continue to use all available enforcement authorities to ensure compliance, particularly in those areas where EPA has clarified enforcement authorities.

The criminal enforcement program is another important aspect of the Agency’s enforcement efforts. The number of EPA’s criminal investigators is mandated by the Pollution Prosecution Act. The program brings to bear the Agency’s most powerful enforcement tool against the most significant environmental violations. By demonstrating to the regulated community that serious, willful statutory violations will be met with harsh sanctions, in terms of both fines and jail sentences, the program acts to forcefully deter violations of environmental laws and regulations in a way that civil judicial and administrative enforcement rarely can do. EPA’s special agents, located nationwide, will conduct criminal investigations, develop information to support grand jury inquiries and decisions, and work with other law enforcement agencies to present a highly visible and effective force in the Agency’s enforcement strategy. Cases are referred to the U.S. Attorney’s Offices of the Department of Justice for prosecution, with special agents serving as key witnesses in these judicial proceedings.

In 2001, the criminal program requests a total of 297.9 workyears and \$41,530,200 to continue to support Agency enforcement initiatives including priority sectors, environmental justice and the Children’s Health initiative. EPA’s efforts to work more closely and cooperatively with

industry are complemented by the criminal enforcement program as the Agency sends a clear message to the regulated community that those who choose to cooperate, in good faith, will reap the benefits of that partnership while those whose non-compliance is distinguished by culpable conduct can expect the serious implication of criminal investigation and prosecution. As the Agency's criminal program continues to gain experience, success in piercing the corporate veil will result in increasing numbers of individual defendants.

Specialized forensic support for the nation's most complex civil and criminal enforcement cases and technical expertise for non-routine Agency compliance efforts will be provided by the National Enforcement Investigation Center (NEIC). To effectively support these programs, NEIC must maintain state-of-the-art skills and equipment, capable of dealing with an increasingly sophisticated regulated community.

In 2001, the Agency will begin development in a new facility for the National Enforcement Investigations Center in Denver, Colorado. NEIC will continue to develop emerging technologies in analytical techniques. Efforts to stay at the forefront of environmental enforcement will include the refinement of successful multi-media inspection approaches, use of customized lab methods to solve unusual enforcement case problems, and further development of a computer forensic expertise for use in seizure and recovery of data and in investigative support related to computers and data fraud. The Center's lab, field and information activities will continue to be performed with the scientific integrity necessary to withstand technical scrutiny and cross-examination, developing evidence which meets all legal requirements for successful prosecution of civil and criminal cases. The new facility will support these efforts by providing a state-of-the-art testing environment which will ensure the certainty of measurements made and the quality of any environmental enforcement case.

The NEIC will provide technical support for the initiatives identified as 2001 priorities in the civil program. The NEIC will support the Agency's integrated compliance monitoring program which views the regulated community on a multimedia basis within the context of an industrial sector or geographic area. Using screening and targeting methodologies developed at the NEIC, EPA inspectors will direct compliance monitoring at areas with the greatest potential for risk reduction. NEIC staff will also conduct on-site multimedia and process based inspections, resulting in increased compliance by many of the nation's largest and most complex industries.

In 2001, the civil and criminal enforcement programs have developed new performance measures. In addition, to measuring pollutant reductions and improvements in facility management practices, EPA will also measure progress in reducing significant non-compliance recidivism in the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act programs and increase facilities that return to full physical compliance in less than two years for these same programs.

State and Tribal Capacity

A strong state and tribal enforcement and compliance assurance presence contributes to EPA's long-term strategic plan objective to identify and reduce significant non-compliance in high

priority areas while maintaining a strong enforcement presence in all regulatory program areas. Most of the Nation's environmental laws envision a strong role for state governments in implementing and managing environmental programs. In 2001, the enforcement and compliance assurance program will work with and support state agencies implementing authorized, delegated, or approved environmental programs. Consistent with regulations and Agency policy, EPA will provide an appropriate level of oversight and guidance to states to ensure that environmental regulations are fairly and consistently enforced across the Nation.

EPA works with Indian tribes on a government-to-government basis to identify enforcement, compliance assistance, and capacity building issues affecting tribal lands. The Agency's goal is to help tribes develop their own enforcement and compliance assistance programs so that they can assume greater management of environmental programs in Indian Country. In 2001, the enforcement and compliance assurance program will continue to implement the Indian Program Strategy which will direct federal enforcement and tribal enforcement and compliance capacity-building efforts. By monitoring and evaluating progress made, EPA will ensure that the plan's commitments are met in a timely fashion. These efforts will help implement the Agency-wide Indian Policy of working with tribal governments as full partners to enhance protection of the public health and the environment on tribal lands.

The state and tribal grant programs are designed to build environmental partnerships with states and tribes and to strengthen their ability to address environmental and public health threats. These threats include contaminated drinking water, pesticides in food, hazardous waste, toxic substances and air pollution. The enforcement and compliance assurance program will award over \$25 million in state and tribal enforcement grants in 2001 to assist in the implementation of the enforcement provisions of the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These grants support state and tribal compliance activities to protect the environment from harmful chemicals and pesticides. The enforcement component of RCRA state grants is also included in this objective.

- Under the Pesticides Enforcement Grant program, states will continue to conduct FIFRA compliance inspections and take appropriate enforcement actions, and implement programs for farm worker protection. The 2001 program will continue to address the increased workload placed on the states as a result of the Food Quality Protection Act. The food safety program is almost entirely a state run program. States will use these resources to increase their inspections of pesticides newly regulated by the legislation.
- In 2001 the Agency will provide pesticides enforcement grants to assist Indian tribes. The Agency provides funding to tribes to implement pesticide compliance and enforcement programs on tribal lands where states have no enforcement authority. Over twenty tribes are participating in this grant program in 2000, using the grants to build compliance and enforcement programs for pesticide standards, regulations, and other requirements established under tribal law.
- States will receive toxic substances state grants funding for implementation of the state lead enforcement program. The funds will complement other Federal program grants for building

state capacity for lead abatement. States will also continue to receive funding for compliance and enforcement of asbestos and PCBs.

- States will inspect federal, state, and local RCRA facilities that store, treat, or dispose of hazardous waste. Inspections will emphasize compliance with facility-specific requirements or interim status requirements. RCRA enforcement orders and supplemental environmental projects will incorporate waste minimization provisions where appropriate.

In 2001, the Agency's enforcement and compliance assurance program will continue to work with state and tribal organizations (agencies and associations) to promote communication and cooperation that strengthens these partnerships. The program will participate in regular meetings and encourage other formal contacts between senior managers on enforcement and compliance assurance issues and promote a constructive dialogue with state co-regulators on enforcement and compliance policy development and program planning. Consistent with its commitments articulated in the Indian Program Strategic Plan, EPA will ensure that tribal governments are informed about relevant policies, guidance and other enforcement program information.

Training is an important aspect of state, local and tribal capacity building. The National Enforcement Training Institute (NETI) is mandated by the Pollution Prosecution Act to provide environmental enforcement training nationally. In 2001, NETI will oversee the design of core and specialized enforcement courses and their delivery to lawyers, inspectors, civil and criminal investigators and technical experts. Also, NETI will deliver 220 training classes and seminars. In seeking to provide timely, targeted technical training courses to as wide an audience as possible, NETI will expand access to its program by building a training center on the Internet. "NETI Online" will offer training to Federal, State, local and tribal enforcement professionals. The website will provide the structure for developing and tracking individual training plans, as well as managing NETI's training delivery processes. In addition, the Agency provides specialized training in criminal environmental law enforcement at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. FLETC is operated by the Department of the Treasury and was established to train law enforcement personnel who carry firearms. The site has entered into an agreement with Treasury to arrange training in environmental criminal investigations for state, local and tribal law enforcement professionals as well as EPA criminal enforcement staff. FLETC provides one of the few opportunities for state, local and tribal enforcement professionals to obtain criminal investigations training.

In addition to training, EPA will build state capacity through guidance and technical assistance, including direct EPA assistance with 100 state inspections during 2001. To improve tribal inspectors' capacity, EPA will provide the training and guidance needed to authorize tribal inspectors to conduct environmental compliance inspections on behalf of EPA.

International Enforcement and Compliance

Meeting its objective of achieving the benefits of environmental requirements through a strong enforcement presence requires EPA to effectively implement international commitments for enforcement and compliance cooperation with other countries, especially those along the U.S.

border. Through such arrangements, EPA works to reduce environmental risks to U.S. citizens from external sources of pollution, as well as to prevent or reduce the impact of pollution originating here.

The Agency's enforcement and compliance assurance program has international responsibilities in two key areas in 2001. The first is the import and export of hazardous waste. EPA manages an import-export waste tracking program which monitors the trans-boundary movement of hazardous waste which will enable EPA to review and respond to 100% of the notices for trans-boundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with international agreements and RCRA regulations. While the vast majority of the hazardous waste trade occurs with Canada, the U.S. has agreements concerning international trade in hazardous wastes with Mexico, Malaysia, Costa Rica and the 29 member countries of the Organization for Economic Cooperation and Development. EPA examines export notifications and forwards them to the importing and transit countries and provides U.S. consent or objection to proposed hazardous waste imports. In calendar year 1998, EPA responded to notices regarding 5,450 distinct waste streams. In 2001, EPA will review and respond to 100% of these notices for trans-boundary movements of hazardous wastes, ensuring their proper management in accordance with international agreements. Through analysis of notices, manifests, and tracking documents, EPA monitors compliance with relevant regulations and takes enforcement actions as necessary.

The second area involves international commitments for enforcement and compliance cooperation with other countries, especially with Canada and Mexico, which share borders with the United States and are members of the North American Free Trade Agreement (NAFTA). Through these commitments, EPA reduces environmental risks to from pollution which may have trans-boundary impacts.

In 2001, EPA will work with Canada and Mexico on the Commission for Environmental Cooperation (CEC), on which the Administrator as U.S. Commissioner, and with Mexico pursuant to the LaPaz Agreement. Work with CEC will focus on enforcement and compliance indicators; environmental management systems; control of CFCs, persistent toxic chemicals and hazardous waste; promotion of voluntary compliance; and information and technical exchanges. In 2001, bilateral efforts with Mexico will include cooperative efforts to bring civil and criminal enforcement actions along the border and against those illegally importing hazardous wastes, pesticides, toxic chemicals and ozone depleting substances. EPA will also work with the Mexican environmental agencies to promote compliance by Mexican subsidiaries of U.S. companies located in the border area by encouraging their participation in Mexico's voluntary audit program; to support community-based enforcement and compliance partnerships with the border states; and on issues regarding technical assistance to Mexico, including environmental impact assessments.

FY 2001 Change from FY 2000 Enacted

EPM

- (-5.7 FTE). The Agency reduced its FTE to implement recommendations made by the Appropriations Committees in the FY 2000 Report.
- (+\$9,183,600). The Agency is providing additional payroll dollars to cover increased costs associated with the current workforce.
- (+\$3,250,000). The Request provides additional resources to the Agency's Civil Enforcement program. These resources will support litigation efforts, such as hiring experts to testify during enforcement cases.
- (+\$3,193,000). The Request provides additional resources to the Agency's Compliance Monitoring program. These resources will be used to train inspectors and provide technical support to inspectors.
- (+\$2,500,000). The Agency is requesting extramural funds to support hiring approximately 35 Senior Environmental Employment (SEE) inspectors for the EPA Regions to inspect housing units for compliance with lead-based paint rules.
- (+\$2,600,000). To support development of the General Enforcement Management System (GEMS), a consolidated enforcement and compliance information management system to support core program needs and provide integrated data necessary for risk-based strategies.
- (-\$450,000). In FY 2001 the Agency is funding the State Enforcement Associations at \$500,000 to support training needs. The State Enforcement Associations received a Congressional Add-on of \$950,000 in FY 2000. The \$1,450,000 funding over the two year period (2000 and 2001) funds each Association at a slightly higher level than they received prior to the FY 1999 reduction.

S&T

- (-0.5 FTE). The Agency reduced its FTE to implement recommendations made by the Appropriations Committees in the FY 2000 Report.
- (+\$414,200). The Agency is providing additional payroll dollars to cover increased costs associated with the current workforce.
- (+\$560,000). Investment to complete the new facility for the National Enforcement Investigations Center (NEIC) to accreditable specifications and the move into it. The new facility will allow NEIC to begin anew with a modern facility infrastructure. The new laboratories will employ advanced systems technology to provide climate control and ventilation systems to better support sensitive analytical equipment. The facility will be designed as a state-of-the-art instrumental laboratory with the commensurate field staging, shop, warehousing, office, and support units to house NEIC's forensic environmental measurement capability. Also, this new facility will provide NEIC, as the Agency's only multimedia field operation and forensic laboratory, growth and expansion capacity well into

the 21st century, through the development and adoption of new field and laboratory capabilities employing the latest advances in cutting edge environmental and scientific technologies.

Superfund

- (-0.7 FTE). The Agency reduced its FTE to implement recommendations made by the Appropriations Committees in the FY 2000 Report.
- (+\$532,900). The Agency is providing additional payroll dollars to cover increased costs associated with the current workforce.
- (+\$240,000). Investment to complete the new facility for the National Enforcement Investigations Center (NEIC) to accreditable specifications (details provided above under S&T).
- (+\$1,604,000). These funds will support the Agency's criminal enforcement program and supports work capital funds needs in the Regions.

Annual Performance Goals and Performance Measures

Non-Compliance Reduction

In 2001 EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

In 2000 Deter and reduce non-compliance and achieve environmental and human health improvements by maintaining a strong, timely and active enforcement presence. EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvement, such as pollutant reductions and/or management process changes.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request	
Percent of actions which require pollutant reductions.		35		Percent
Estimated pounds of pollutants reduced (aggregate).		300		M pounds
Establish statistically valid noncompliance rates or other indicators of non-compliance for selected environmental problems.		5		Indicators
Establish baseline to measure percentage of significant violators with reoccurring significant violations within 2 years of returning to compliance.		1		Baseline
Establish baseline to measure average length of time for significant violators to return to compliance or enter enforceable plans/agreements.		1		Baseline
Produce report on the number of civil and criminal enforcement actions initiated and concluded.		1		Report
35% of concluded enforcement actions identify pollutant reductions (core optional).			35	Percent
600 million pounds of pollutants reduced (core optional).			600	M Pounds
Increase or maintain compliance rates or other indicators of compliance (using FY 2000 baseline) for selected regulated populations (core optional).			5	Rates
By 2005, increase by 10% the number of concluded enforcement actions that result in improvements in the use or handling of pollutants from a FY 98 baseline (core optional).			2	Percent
By 2005, increase by 10% the number of concluded				

enforcement actions that result in improvements in facility management and information practices from a FY 98 baseline (core optional).	2	Percent
Reduce by 2 percentage points the level of significant non-compliance recidivism in each of the CAA, CWA, and RCRA programs from FY 98 levels.	2	Percentage Point
Increase by 2 percentage points the number of facilities that return to full physical compliance in less than two years for each of the CAA, CWA, and RCRA programs from the FY 98 baseline(core required).	2	Percentage Point
Produce a report on the number of civil and criminal enforcement actions initiated and concluded (core required).	1	Report
Baseline: By the end of FY 2000 the program will be able to report statistically valid non-compliance rates for selected populations. FY 98 is the baseline year for most of the measures within this APG, as noted.		

Inspections/Investigations

- In 2001 EPA will conduct 15,000 inspections, 550 criminal investigations, and 150 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.
- In 2000 EPA will conduct 13,500 inspections, 500 criminal investigations, and 150 civil investigations, 50% of which are targeted at priority areas.
- In 1999 We exceeded our goal to deter non-compliance by maintaining levels of field presence and enforcement actions, particularly in high risk areas and/or where populations are disproportionately exposed. In 1999, EPA conducted 21,410 (15,000 target) inspections and undertook 3,935 (2,600 target) enforcement actions.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request	
Number of EPA inspections		13500		Inspections
Percent of inspections and investigation (civil and criminal) conducted at priority areas		50		Percent
Conduct 15,000 EPA inspections (core required)			15,000	Inspections
EPA Inspections	21,410			Inspections
Number of Criminal Investigations		500	550	Investigations
Number of Civil Investigations		150	150	Investigations
Baseline:	The number of inspections varies each year by the complexity of facilities targeted. In FY 2001, EPA will maintain its enforcement presence by conducting at least 15,000 inspections and 550 investigations.			

Quality Assurance

- In 2001 Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- In 2000 Maintain and improve quality and accuracy of EPA's enforcement and compliance assurance data to identify noncompliance and focus on human health and environmental problems.
- In 1999 We met our goal by targeting 7 (of 5 targeted) high priority areas through the MOA process for enforcement and compliance assistance and completing 2 (of 2 targeted) baseline data assessment in major databases, AFS and DOCKET, needed to measure quality of key indicators of compliance.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request	
Data system improvement to capture changes to 98 base	2			Data System
Complete concept and begin design phase of General Enforcement Mgt system (GEMS)		09/30/2000		Date
Continue concept phase and begin design phase of PCS modernization		09/30/2000		Date
Complete General Enforcement Management System (GEMS) development (programming) and begin system testing			1	Data System
Complete Quality Management Plan (QMP) project for 5 additional data systems			5	Data Systems
Complete detailed design (development of screens, prototypes) for Permit Compliance System (PCS)				

system modernization	1	Data System
Continue operation and maintenance/user support of 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency	95	Percent
Conduct four data analyses of environmental problems in Indian Country using the American Indian Lands Environmental Support Project (AILESP) and the baseline assessment survey.	4	Data Analyses
<p>Baseline: EPA's 14 data systems will operate at 95% or better operational efficiency, although the Agency is working to modernize these data systems and improve data integration and consistency. The Office of Enforcement and Compliance Assurance will complete baseline assessments of its national data systems by the end of FY 2000. Beginning in FY 2000/2001, the Agency will conduct annual audits.</p>		

Capacity Building

- In 2001 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.
- In 2000 Improve capacity of states, localities and tribes to conduct enforcement and compliance assurance programs. EPA will provide grants, guidance documents, training, classes and seminars, and assist with selected inspections.
- In 1999 We exceeded (by 135) our goal of providing specialized assistance and training courses to state and tribal officials to enhance the effectiveness of their programs.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request	
Specialized assistance and training	218			Courses
Number of EPA-assisted inspections to build capacity.		100		Inspections
Number of EPA training classes/ seminars delivered to states, localities and tribes to build capacity.		200	220	Classes
Conduct 100 EPA-assisted inspections to build capacity.			100	Inspections
The National Enforcement Training Institute will train 105 Tribal personnel, representing a 20% increase over FY 1999.			105	Personnel
The National Enforcement Training Institute will provide tribal governments with 50 computer-based training (CBT) modules.			50	Training module
<p>Baseline: The National Environmental Training Institute (NETI) provided 100 training classes/seminars and the Regions provided 30 classes/seminars in FY 2000. The Agency is currently undertaking a pilot in FY 2000 to evaluate EPA-assisted inspections.</p>				

International Enforcement

In 2001 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

In 2000 Ensure compliance with legal requirements by assuring that hazardous waste exports from the U.S. are properly handled. Implement U.S. international commitments, and gain enforcement and compliance cooperation with other countries, especially along U.S. borders (Mexico/Canada).

In 1999 We missed our target by properly handling 1,539 of the targeted 1,600 import notifications due to a decline in hazardous waste imports and increased capacity in Europe to handle waste. In addition, we changed our goal and measure in FY 2000 to more accurately reflect program achievements.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request	
Import / Export Notifications.	1539			Notifications
Ensure compliance with legal requirements by assuring that hazardous waste exports from the U.S. are properly handled.		1500		Notices
Review and respond to 100% of the notices for trans-boundary movement of hazardous wastes, ensuring their proper management in accordance with international agreements.			100	Percent
Ensure proper handling of 200,000 tons of hazardous waste exports.	n/a			Tons

Baseline: In Calendar Year 1998 EPA responded regarding 5,450 distinct waste streams described in import and export notices. Responses to import notices require review of the permit and compliance history of the proposed U.S. receiving facility, where responses to export notices involve obtaining consent or objection from the proposed receiving country.

Verification and Validation of Performance Measures

Performance Measure: 35% of concluded enforcement actions identify pollutant reductions

Performance Database: Docket - tracks EPA civil, judicial and enforcement actions.

Data Source: EPA headquarters and Regional offices.

QA/QC Procedures: Data must meet Docket system edits.

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: Analysis of Case Conclusion Data Sheet preparation and use; final report due 10/99.

Performance Measure: 600 million pounds of pollutants reduced

Performance Database: Docket - tracks EPA civil, judicial and enforcement actions.

Data Source: EPA headquarters and Regional offices.

QA/QC Procedures: Data must meet Docket system edits.

Data Quality Review: None

Data Limitations: EPA staff estimates pollutant reductions using best professional judgement; algorithms.

New & Improved Data or Systems: Analysis of Case Conclusion Data Sheet preparation and use; final report due 10/99.

Performance Measure: Increase or maintain compliance rates or other indicators of compliance (using FY 2000 baseline) for selected regulated populations.

Performance Database: PCS (Permit Compliance System) tracks National Pollutant Discharge Effluent System permit and enforcement actions, reporting and scheduling requirements. AFS (Air Facility Sources System) captures emission, compliance and permit data for major stationary sources of air pollution. RCRIS (Resource Conservation and Recovery System) supports permit, compliance and corrective action activities.

Data Source: EPA regional offices, delegated states

QA/QC Procedures: Systems have been developed per Office of Information Management Lifecycle Management Guidance, including data validation processes, internal screen audit checks and verification, system and user document., data quality audit reports, third party testing reports, detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 97 and 98 show states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of source of violation; enhanced oversight and headquarters outreach to regions, states, locals. (See NPM Major Management Issues.)

Data Limitations: For all systems, concerns about quality and completeness of data; ability of existing systems to meet data needs; incompatible database structures/designs and differences in data definitions impede integrated analyses. Incomplete data available on universe of regulated facilities; not all are inspected/permited.

New & Improved Data or Systems: PCS modernization is currently underway. Are preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. General Enforcement. Management System (GEMS) will support core program. needs and consolidate and streamline existing systems. Pilot project is underway on developing statistically-valid compliance rates.

Performance Measure: By 2005, increase by 10% the number of concluded enforcement actions that require improvements in the use or handling of pollutants over the FY 98 baseline.

Performance Database: Docket - tracks EPA civil, judicial and enforcement actions.

Data Source: EPA headquarters and Regional offices.

QA/QC Procedures: Managers in the field and in HQ review information on Case Conclusion Data Sheets. Data must meet Docket system edits.

Data Quality Review: None

Data Limitations: Enforcement follow up to confirm actual result from case data conclusion sheets does not take place in all cases.

New & Improved Data or Systems: Review of Case Conclusion Data Sheet preparation and use, to be completed in 1999.

Performance Measure: By 2005, increase by 10% the number of concluded enforcement actions that result in improvements in facility management practices and information over the FY 98 baseline.

Performance Database: Docket - tracks EPA civil, judicial and enforcement actions.

Data Source: EPA headquarters and Regional offices.

QA/QC Procedures: Managers in the field and in HQ review information on Case Conclusion Data Sheets. Data must meet Docket system edits

Data Quality Review: None

Data Limitations: Enforcement follow up to confirm actual result from case data conclusion sheets does not take place in all cases.

New & Improved Data or Systems: Review of Case Conclusion Data Sheet preparation and use, to be completed in 1999.

Performance Measure: Reduce by 2 percentage points the level of significant noncompliance recidivism in the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act programs from FY 98 levels.

Performance Database: PCS (Permit Compliance System) tracks National Pollutant Discharge Effluent System permit and enforcement actions, reporting and scheduling requirements. AFS (Air Facility Sources System) captures emission, compliance and permit data for major stationary sources of air pollution RCRIS (Resource Conservation and Recovery System) supports permit, compliance and corrective action activities.

Data Source: EPA regional offices, delegated states.

QA/QC Procedures: Systems have been developed per Office of Information Management Lifecycle Management Guidance, including data validation processes, internal screen audit checks and verification, system and user document., data quality audit reports, third party testing reports, detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 97 and 98 show states' problems with identifying and reporting Clean Air Act Significant violators, impairing EPA ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of source of violation; enhanced oversight and headquarters outreach to regions, states, locals. (See NPM Major Management Issues.)

Data Limitations: For all systems, concerns about quality and completeness of data; ability of existing systems to meet data needs; incompatible database structures/designs and differences in data definitions impede integrated analyses. Incomplete data available on universe of regulated facilities; not all are inspected/permitted. Significant violator definition changed for AFS in mid FY99. Different RCRA significant violator definitions reflect inconsistent

New & Improved Data or Systems: PCS modernization is currently underway. Are preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. General Enforcement Management System will support core program. needs and consolidate and streamline existing systems. Pilot project is underway on developing statistically valid compliance rates. Natl. Performance Measure Strategy project on impact of EPA strategies on recidivism focuses attention on better

Performance Measure: Increase by 2 percentage points the number of facilities that return to full physical compliance in less than two years for Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act programs from the FY 98 baseline.

Performance Database: PCS (Permit Compliance System) tracks National Pollutant Discharge Effluent System permit and enforcement actions, reporting and scheduling requirements. AFS (Air Facility Sources System) captures emission, compliance and permit data for major stationary sources of air pollution RCRIS (Resource Conservation and Recovery System) supports permit, compliance and corrective action activities.

Data Source: EPA regional offices, delegated states

QA/QC Procedures: Systems have been developed per Office of Information Management Lifecycle Management Guidance, including data validation processes, internal screen audit checks and verification, system and user document., data quality audit reports, third party testing reports, detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 97 and 98 show states' problems with identifying and reporting Clean Air Act Significant violators, impairing EPA ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of source of violation; enhanced oversight and headquarters outreach to regions, states, locals. (See NPM Major Management Issues.)

Data Limitations: For all systems, concerns about quality and completeness of data; ability of existing systems to meet data needs; incompatible database structures/designs and differences in data definitions impede integrated analyses. Incomplete data available on universe of regulated facilities; not all are inspected/permitted.

New & Improved Data or Systems: PCS modernization is currently underway. Are preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. General Enforcement. Management System will support core program. needs and consolidate and streamline existing systems. Pilot project is underway on developing statistically valid compliance rates.

Performance Measure: Produce report on the number of civil and criminal enforcement actions initiated and concluded.

Performance Database: Output measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: 15,000 EPA inspections.

Performance Database: IDEA (Integrated Data for Enforcement Analysis) integrates data from major enforcement and compliance systems, PCS, AFS, RCRIS, Dunn and Bradstreet, OSHA, ERNS.

Data Source: EPA Regional offices.

QA/QC Procedures: Systems have been developed per Office of Information Management Lifecycle Management Guidance, including data validation processes, internal screen audit checks and verification, system and user document., data quality audit reports, third party testing reports, detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 97 and 98 show states' problems with identifying and reporting Clean Air Act Significant violators, impairing EPA ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of source of violation; enhanced oversight and headquarters outreach to regions, states, locals. (See NPM Major Management Issues.)

Data Limitations: For all systems, concerns about quality and completeness of data; ability of existing systems to meet data needs; incompatible database structures/designs and differences in data definitions impede integrated analyses. Incomplete data available on universe of regulated facilities; not all are inspected/permited.

New & Improved Data or Systems: PCS modernization is currently underway. Are preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. General Enforcement. Management System will support core program. needs and consolidate and streamline existing systems. Pilot project is underway on developing statistically valid compliance rates.

Performance Measure: 50% of inspections and investigations (civil and criminal) conducted in National and Regional priority areas. (core required)

Performance Database: IDEA (Integrated Data for Enforcement Analysis) integrates data from major enforcement and compliance systems, PCS, AFS, RCRIS, Dunn and Bradstreet, OSHA, ERNS.

Data Source: EPA Regional offices.

QA/QC Procedures: Systems have been developed per Office of Information Management Lifecycle Management Guidance, including data validation processes, internal screen audit checks and verification, system and user document., data quality audit reports, third party testing reports, detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 97 and 98 show states' problems with identifying and reporting Clean Air Act Significant violators, impairing EPA ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of source of violation; enhanced oversight and headquarters outreach to regions, states, locals. (See NPM Major Management Issues.)

Data Limitations: For all systems, concerns about quality and completeness of data; ability of existing systems to meet data needs; incompatible database structures/designs and differences in data definitions impede integrated analyses. Incomplete data available on universe of regulated facilities; not all are inspected/permited.

New & Improved Data or Systems: PCS modernization is currently underway. Are preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. General Enforcement. Management System will support core program. needs and consolidate and streamline existing systems. Pilot project is underway on developing statistically valid compliance rates.

Performance Measure: Complete General Enforcement Management System (GEMS) development (programming) and begin system testing.

Performance Database: Output measure. No database.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Complete Quality Management Plan (QMP) project for 5 additional data systems.

Performance Database: Output measure; internal tracking of measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Complete detailed design (development of screens, prototypes) for Permit Compliance System (PCS) system modernization.

Performance Database: Output measure. No database.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Continue operation and maintenance/user support of 14 information systems housing national enforcement and compliance assurance data with less than 5% down-time.

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: 100 EPA-assisted inspections to build capacity.

Performance Database: Output measure; internal Regional tracking system.

Data Source: Internal Regional tracking system.

QA/QC Procedures: Regional and HQ managers check Information to confirm accuracy.

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: 220 EPA training classes/seminars delivered to states, localities and tribes to build capacity.

Performance Database: NETI's course information Management systems, the Automated Blue Form, and the registrar.

Data Source: Manual Reports.

QA/QC Procedures: Managers QA/QC information in system.

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: EPA will review and respond to 100% of the notices for transboundary movement of hazardous wastes, ensuring their proper management in accordance with international agreements.

Performance Database: WITS (Waste Import Tracking Systems), Hazardous Waste Export System (HWES).

Data Source: Manual Reports (notifications) submitted by U.S. exporters and by foreign governments for imports.

QA/QC Procedures: EPA reviews the notifications, manifests and annual reports to ensure they are timely and accurate before they are entered into the database.

Data Quality Review: None

Data Limitations: Notifications are self-reported.

New & Improved Data or Systems:

Performance Measure: The National Enforcement Training Institute (NETI) will train 105 tribal personnel.

Performance Database: National Enforcement Training Institute Registration System.

Data Source: Potential class participants.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems:

Performance Measure: The National Enforcement Training Institute (NETI) will provide tribal governments with 50 computer-based training (CBT) modules.

Performance Database: National Enforcement Training Institute Registration System.

Data Source: Qualified individuals interested in NETI training.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems:

Performance Measure: Conduct four data analyses of environmental problems in Indian Country.

Performance Database: American Indian Environmental Support project (AILESP).

Data Source: EPA Compliance Databases.

QA/QC Procedures:

Data Quality Review:

Data Limitations:

New & Improved Data or Systems:

Coordination with Other Agencies

The Enforcement and Compliance Assurance program coordinates closely with the Department of Justice (DOJ) on all enforcement matters. In addition, the program coordinates with other agencies on specific environmental issues as described below.

The RCRA Enforcement and Compliance Monitoring program coordinates with the National Accident Investigation Board, Occupational Safety, and Health Administration, and Agency for Toxic Substances and Disease Registry in preventing and responding to accidental releases and endangerment situations; and, with the Bureau of Indian Affairs on tribal issues relative to compliance and enforcement of underground storage tank and RCRA Subtitle C requirements.

The Water Enforcement and Compliance Monitoring program coordinates with the U.S. Army Corps of Engineers on wetlands. Moreover, due to changes in the Food Security Act, the U.S. Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) has a major role in the determination of whether areas on agricultural lands meet the definition of wetlands and are therefore regulated under the Clean Water Act. Civil Enforcement coordinates with USDA/NRCS on these issues also. Finally, the program coordinates closely with the Department of Agriculture on the implementation of the Unified National Strategy for Animal Feedlot Operations.

The Toxics and Pesticides Enforcement and Compliance Monitoring program coordinates with USDA on food safety issues arising from the misuse of pesticides, and shares joint jurisdiction with FTC on pesticide labeling and advertising. EPA and the Food and Drug Administration (FDA) share jurisdiction over general purpose disinfectants used on non-critical surfaces and some dental and medical equipment surfaces (e.g., wheelchairs). Finally, the Agency has entered into a Memorandum of Understanding with the Department of Housing and Urban Development concerning lead poisoning.

The Criminal Enforcement program coordinates with other federal law enforcement agencies (i.e. FBI, Customs, Treasury, U.S. Coast Guard, DOJ) and with state and local law enforcement organizations in the investigation and prosecution of environmental crimes. EPA is also actively working with DOJ to establish task forces which bring together federal, state and local law enforcement organizations to address environmental crimes. In addition, the National Enforcement Training Institute has an Interagency Agreement with the Department of Treasury to provide specialized criminal environmental training to federal, state, local, and tribal law enforcement personnel at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA.

Under Executive Order 12088, EPA is directed to provide technical assistance to other Federal agencies to help ensure their compliance with all environmental laws. The Federal Facility Enforcement Program coordinates with other Federal agencies, states, and local and tribal governments to ensure compliance by federal agencies with all environmental laws.

The Civil Enforcement and Compliance Monitoring programs work closely with the states and tribes. States perform the vast majority of inspections and enforcement actions. Most EPA

statutes envision a partnership between EPA and the states under which EPA develops national standards and policies and the states implement the program under authority delegated by EPA. If a state elects not to take delegation of a program, EPA has a mandatory duty to implement that program in the state. Historically, the level of delegation has increased as programs mature and state capacity has expanded, and many of the key environmental programs are approaching full delegation. EPA will continue to coordinate with states on training and capacity building and on enforcement.

EPA works directly with Canada and Mexico bilaterally and in the trilateral Commission for Environmental Cooperation (CEC). EPA's border activities require close coordination with the U.S. Customs Service, the Fish and Wildlife Service, the Department of Justice, and the States of Arizona, California, New Mexico, and Texas.

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)

Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)

Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)

Safe Drinking Water Act sections 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)

Clean Air Act sections 113, 114, and 303 (42 U.S.C. 7413, 7414, 7603)

Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)

Emergency Planning and Community Right-to-Know Act sections 325 and 326 (42 U.S.C. 11045, 11046)

Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)

Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)

North American Agreement on Environmental Cooperation

1983 La Paz Agreement on US/Mexico Border Region

National Environmental Policy Act (NEPA) section 102(f)

Pollution Prosecution Act of 1990 (42 U.S.C. section 4321 note)

Environmental Protection Agency

FY 2001 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Objective # 2: Increase Use of Auditing, Self-Policing Policies

Promote the regulated communities' voluntary compliance with environmental requirements through compliance incentives and assistance programs.

Resource Summary (Dollars in Thousands)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request	FY 2001 Req. v. FY 2000 Ena.
Increase Use of Auditing, Self-Policing Policies	\$42,870.5	\$49,417.4	\$52,464.8	\$3,047.4
Environmental Program & Management	\$40,378.0	\$46,873.6	\$49,742.8	\$2,869.2
State and Tribal Assistance Grants	\$2,214.2	\$2,214.2	\$2,214.2	\$0.0
Hazardous Substance Superfund	\$278.3	\$329.6	\$507.8	\$178.2
Total Workyears	443.7	422.6	423.5	0.9

Key Programs
(Dollars in Thousands)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Request
Project XL	\$2,514.7	\$2,635.4	\$2,880.0
Common Sense Initiative	\$853.8	\$448.6	\$471.8
Compliance Assistance and Centers	\$18,426.5	\$22,549.7	\$23,711.8
Compliance Incentives	\$5,342.7	\$5,195.7	\$5,679.1
NEPA Implementation	\$9,269.5	\$9,901.4	\$10,711.9
State Toxics Enforcement Grants	\$2,214.6	\$2,214.2	\$2,214.2
Rent, Utilities and Services	\$0.0	\$3,596.3	\$4,031.0
Administrative Services	\$248.0	\$743.6	\$814.5
Regional Management	\$0.0	\$158.6	\$130.1

FY 2001 Request

The enforcement and compliance assurance program uses voluntary compliance incentives and assistance tools to increase compliance with regulatory requirements and reduce adverse public health and environmental problems. By providing compliance incentives to the regulated community, the Agency motivates and enhances the capacity of the regulated community to fully comply with the law and to voluntarily and promptly disclose violations before they come to the attention of the government.

The Agency also provides compliance assistance to the regulated community. By providing clear and consistent descriptions of regulatory requirements, EPA assures that the community understands its obligations. Compliance assistance can also help regulated industries find cost-effective ways to comply through the use of pollution prevention and innovative technologies.

In 2001 the Agency will also continue to carry out responsibilities under the National Environmental Policy Act (NEPA). NEPA requires that Federal agencies consider the environmental consequences of their activities. EPA's NEPA program reviews major actions taken by other Federal agencies and by EPA to ensure that adverse environmental effects are identified and are either eliminated or mitigated.

Compliance Incentives

In 2001, the Compliance Incentives program will continue to implement EPA's Audit/Self-Policing Policy as a core element of the enforcement and compliance assurance program.

EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations, and to provide a uniform enforcement response toward disclosures of violations. Under the Audit Policy, violations are discovered through voluntary environmental audits or a compliance management system, and are promptly disclosed and expeditiously corrected. EPA will not seek gravity-based penalties, (such as punitive aspect of penalties, or jail time a polluter could receive for not complying with the environmental laws), and will generally not recommend prosecution against the regulated entity, for disclosures that meet Audit Policy requirements. EPA will reduce gravity-based penalties by 75% for violations that are voluntarily discovered, and are promptly disclosed and corrected, even if not found through a formal audit or compliance management system. The Policy also restates EPA's long-held policy and practice to refrain from routine requests for environmental audit reports.

During 1996, 1997 and 1998, the number of facilities self-disclosing under the audit policy has roughly doubled each year. As of July 1, 1999 approximately 485 companies have disclosed potential violations at 1,900 facilities, and EPA has granted penalty relief to 199 companies at 987 facilities. EPA is currently working on several initiatives to encourage corporate self-disclosures, and recently finished targeted industry initiatives for the telecommunication industry, the national oilseed producers, and mini-mills. EPA is currently working on several new targeted initiatives to encourage corporate self-disclosures in support of the Agency's goal to increase the number of facilities voluntarily self-disclosing and correcting violations. The Agency's goal is to increase the number of facilities that voluntarily self-disclose and correct their violations by 25% by 2005.

The Agency intends to expand use of the Audit Policy through industry initiatives and outreach. EPA is particularly interested in encouraging disclosures at multiple facilities owned by the same regulated entity because such disclosures allow regulated entities to review their operations holistically, benefit the environment, and effectively leverage resources of the Agency. EPA also plans to increase opportunities through new targeted sector initiatives for industry to self-disclose and correct violations on a corporate-wide basis.

The EPA Policy on Compliance Incentives for Small Business is intended to promote environmental compliance among small businesses by providing them with special incentives to participate in compliance assistance programs or to conduct environmental audits and then promptly correct violations. EPA has been working with stakeholders to modify the policy to encourage greater participation. As part of its 2001 marketing and outreach activities for this approach, EPA will work with small business compliance assistance providers to develop tools useful to small businesses in understanding applicable environmental requirements and conducting compliance audits.

In 2001 the Compliance Incentives program will continue to evaluate the effectiveness of environmental management systems (EMS) for improving compliance and environmental performance. The results of this evaluation will provide the program with a better understanding of the effectiveness of EMS in relation to compliance. The program will begin to promote the use

of EMS to address known compliance and performance problems. To this end, EPA will develop assistance tools, such as training or “best practices” manuals.

Initiated under the Agency’s Common Sense Initiative (CSI), the printing sector project encourages the incorporation of pollution prevention practices into everyday work processes of printerstep; improving access to data for all interested parties; reducing transaction costs associated with the printing process; increasing regulatory flexibility; and promoting meaningful community involvement. The project team designed an alternative permit system that is expected to result in reduced emissions, greater operational flexibility, enhanced public participation and lower transaction costs. Pilots of the approach were initiated in three to five states during 2000 and are expected to continue during 2001.

The enforcement and compliance assurance program will also continue to participate in Project XL (eXcellence in Leadership) projects, projects under the EPA/state regulatory innovation agreement, and other reinvention partnerships. The Agency recognizes that alternative approaches to environmental protection are experimental in nature, may not work as expected and necessarily involve some degree of risk. To ensure the public is not exposed to unnecessary risk, the program will focus on ensuring these projects are legally enforceable where necessary, provide accountability and transparency for participants, and provide an orderly return to compliance in the event of project termination. The program will also assist in verifying and evaluating project results.

Under the Federal facilities program, EPA will review disclosures by Federal facilities under the EPA Audit/Self-Policing Policy and other incentive policies. EPA will participate in Project XL activities and other reinvention activities affecting Federal facilities.

Compliance Assistance

The Agency’s compliance assistance program provides information and technical assistance to the regulated community to increase its understanding of all statutory and regulatory environmental requirements, thereby reducing risk to human health and the environment and gaining measurable improvements in compliance. To support initiatives targeted toward improving compliance in specific industrial and commercial sectors or with certain regulatory requirements, the program will continue to develop strategies and compliance assistance tools and provide these to the regulated community. Compliance tools developed range from plain-language guides to comprehensive sector-based documents (such as the Sector Notebooks that include information on industry-specific manufacturing processes and pollution issues) to statute-based environmental audit protocol manuals to fact sheets, checklists and newsletters. In 2001, EPA will develop 200 compliance assistance tools and to reach 500,000 facilities, states, or technical assistance providers through these targeted compliance assistance efforts.

Moreover, in 2001, the program will continue with activities begun in 2000 that shifted EPA away from direct delivery of compliance assistance, except as part of targeted initiatives for particular sectors, and into the role of a “wholesaler” of information by distributing and marketing tools through a network of compliance and technical assistance providers that work more directly with the regulated community. These activities include (1) convening a compliance assistance

exchange forum, composed of public and private sector representatives, to share information on recently-promulgated regulations and new compliance assistance materials and (2) developing a clearinghouse of compliance assistance materials available from federal, state and local governments and from trade associations. EPA intends that all new compliance assistance will be added to the Clearinghouse within 30 days of receipt. Through public outreach and communication efforts, including press releases and newsletters, EPA will publicize all major compliance assistance efforts.

EPA will continue to support the nine Compliance Assistance Centers, a key component of EPA's efforts to help small and medium-sized businesses better understand and comply with Federal environmental requirements. The centers provide small businesses in selected industry sectors one-stop shopping for regulatory and technical assistance, pollution prevention activities, and other information particularly suited to the individual industries. Operated in partnership with industry associations, environmental groups, universities and other government agencies, the centers are accessible through Internet web sites as well as toll-free telephone assistance lines.

The Agency will also provide sector-based materials and services and training sessions to the regulated community to improve industry's regulatory and technical knowledge. EPA will promote adoption of innovative technologies, including waste minimization. In 2001, EPA plans to provide compliance assistance to 500,000 facilities.

To improve its ability to measure the effectiveness of its various strategies in improving compliance and environmental results, EPA has tested methodologies designed to measure behavioral change resulting from targeted compliance assistance. Focusing on 10 outcome measures projects, EPA's goal is for 50% of the recipients of compliance assistance in these projects to have improved their use or handling of pollutants or improved their facility management practices or information as a result of the assistance received.

Consistent with its Indian Program Strategy, the Agency will assist Tribes in developing their own compliance assistance programs. Funds will be used to enhance Tribal programs and to provide training to senior Tribal regulatory officials on the latest theories and techniques for effective compliance and enforcement programs. In 2001, EPA will continue its programs to assist Tribes in addressing solid waste management problems.

The program disseminates information to the public and regulated community on important environmental issues, trends, and significant enforcement actions. This assistance (e.g., enforcement alert publications, slide presentations to industry) is designed to help the regulated community anticipate and prevent violations of federal environmental laws that could otherwise lead to environment actions.

EPA will also use the broad authority available under TSCA (and other statutes) to provide funding to selected support state and tribal multimedia compliance assistance projects in 2001. States provide and tribes will address compliance problems with specific industries and/or economic sectors

The Federal facility enforcement program will continue to provide technical guidance to other Federal agencies concerning their implementation of executive orders and environmental

programs, as well as providing guidance on complying with pollution prevention law requirements and applicable environmental laws at Federal facilities. EPA will maintain and expand the Federal Facility Compliance Assistance Center to deliver compliance assistance to Federal agencies concerning new regulatory requirements. EPA will develop and deliver compliance assistance for new major EPA regulations and Executive Orders and in selected program areas. EPA will work with other Federal agencies on implementing the Federal Code of Environmental Management Principles (CEMP) through agency- or bureau-wide environmental management system assessments and environmental management reviews at specific federal facilities. EPA will also support pollution prevention opportunity assessments and similar evaluations at Federal facilities.

National Environmental Policy Act Implementation

The National Environmental Policy Act NEPA Implementation program reviews environmental impacts of proposed major Federal actions as required by NEPA, §309 of the Clean Air Act, the Antarctic Science, Tourism, and Conservation Act (ASTCA), and the Executive Order on environmental justice; and develops policy and technical guidance on issues related to NEPA, the Endangered Species Act, the National Historic Preservation Act and relevant Executive Orders. The program emphasizes cooperation with other federal agencies to ensure compliance with applicable environmental laws and better integration of pollution prevention and ecological risk assessment into their programs, while targeting high impact federal program areas, such as water resources and transportation/energy related projects. In 2001 the Agency will be a significant player in implementing the Transportation Equity Act for the 21st Century (TEA-21) through early involvement and intensive review in the NEPA process. In 2001, EPA will review all major proposed federal actions under NEPA and achieve successful mitigation for at least 70 percent of the adverse environmental impacts resulting from those actions. The program also manages the Agency's official filing activity for all federal Environmental Impact Statements (EIS) in accordance with a Memorandum of Understanding with the Council on Environmental Quality.

The NEPA Implementation program also guides EPA's compliance with other applicable statutes, and related environmental justice requirements. These efforts include EPA-issued new source National Pollutant Discharge Elimination System permits in the eight un delegated states and for off-shore oil and gas sources, EPA laboratories and facilities, and construction projects authorized in EPA's Appropriations Act. In 2001, EPA will review and document 100 percent of water treatment facility construction grants and water discharge permits subject to NEPA to ensure that impact of construction will not adversely affect the environment.

FY 2001 Change from FY 2000 Enacted

EPM

- (-1.7 FTE) The Agency reduced its FTE to implement recommendations made by the Appropriations Committees in the FY 2000 Report.
- (+\$2,036,200) The Agency is providing additional payroll dollars to cover increased costs associated with the current workforce.
- (+\$986,000) Resources for the working capital fund is spread across all objectives to reflect where the charging will take place.
- (-\$419,200) In 2001, the Agency will continue with activities begun in 2000 that shifted EPA away from direct delivery of compliance assistance, except as part of targeted initiatives for particular sectors, and into the role of a **wholesaler** of information by distributing and marketing tools through a network of compliance and technical assistance providers that work more directly with the regulated community. These activities include (1) convening a compliance assistance exchange forum, composed of public and private sector representatives, to share information on recently-promulgated regulations and new compliance assistance materials and (2) developing a clearinghouse of compliance assistance materials available from federal, state and local governments and from trade associations. EPA intends that all new compliance assistance will be added to the Clearinghouse within 30 days of receipt. Through public outreach and communication efforts, including press releases and newsletters, EPA will publicize all major compliance assistance efforts.

Superfund

- (+\$178,200) These funds support increased costs associated with the current workforce as well as increased support to the Agency's compliance assistance and incentive programs.

Annual Performance Goals and Performance Measures

Compliance Incentives

In 2001 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

In 2000 Increase entities self-policing and self-correction of environmental problems through use of EPA incentive policies: small business, small community and audit policies over FY97 levels.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request
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Number of facilities that self-disclosed potential violations.		346	Facilities
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By 2005 increase by 50% over FY 97 levels the number of facilities voluntarily

self-disclosing and correcting violations to the Federal government 15 Percent

Baseline: In FY 97, 79 facilities voluntarily self-disclosed and corrected violations. In FY 2001, the performance measure unit was changed from facilities to percent.

Environmental Management Systems

In 2001 Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request
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Increase EMS use by developing tools, such as training and best practice manuals that encourage improved environmental performance. 3 Tools

Baseline: This will be a new activity in FY 2001 as EPA implements the Innovations Task Force recommendations. We project that there will be 3 tools developed in FY 2001.

Regulated Communities

In 2001 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to operate small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2000 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to operate small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 1999 We met our goal of increased use of compliance incentives and the understanding of, and ability to comply with, regulatory requirements by operating 9 small business compliance assistance centers (meeting target), completing 10 sector notebooks, guides, etc, (target 5), and conducted 22 (target 15) Federal facility management reviews.

Performance Measures:	FY 1999 Actuals	FY 2000 Estimate	FY 2001 Request
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Compliance Assistance Centers in Operation. 9 Centers

Compliance Tools Development 10 S e c t o r Guides.

Federal Facility Management Reviews 22 Reviews

Total number of facilities reached through targeted compliance assistance. 331,500 Facilities

Number of compliance assistance tools developed. 150 Tools

50% of recipients of compliance assistance from 10 projects will improve their use

or handling of pollutants or improved their facility management processes (core optional).		50	Percent
Reach 500,000 facilities, states or technical assistance providers through targeted compliance assistance (core optional).		500,000	Entities
Develop 200 compliance assistance tools.		200	Tools
Increase compliance assistance center usage.	36		Percent
The Agency will reach 30 tribally owned/managed facilities through targeted compliance assistance.		30	Facilities
Baseline:	The Enforcement and Compliance program collects summary information from the EPA regions annually on how many facilities are being reached through compliance assistance efforts. In FY 98, EPA compliance assistance efforts across all programs reached 246,600 facilities. In addition to summary information on compliance assistance, the program is conducting 10 compliance assistance outcome measurement projects in which information is being collected to assess the impact of compliance assistance.		

Verification and Validation of Performance Measures

Performance Measure: By 2005 increase by 25% over FY 97 levels the number of facilities voluntarily self-disclosing and correcting violations to the Federal government.

Performance Database: Information on the application of the self-policing policy is tracked manually. Headquarters will complete the assessment of recording and producing information on the self-policing policy in the DOCKET.

Data Source: Headquarters and the Regions will enter the information.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New/Improved Data or Systems: None

Performance Measure: 50% of recipients of compliance assistance from 10 projects have improved their use or handling of pollutants or improved their facility management practices or information.

Performance Database: Compliance Assistance Tracking System (CATS). System includes information on industry, statutes, number of entities reached, outcomes expected to be achieved.

Data Source: Three Regions are piloting the projects and will be entering them into CATS.

QA/QC Procedures: Headquarters will review information entered into CATS for accuracy.

Data Quality Review: None

Data Limitations: None

New/Improved Data or Systems: None

Performance Measure: 500,000 facilities, states or technical assistance providers reached through targeted compliance assistance.

Performance Database: Compliance Assistance Tracking System (CATS). System includes information on industry, statutes, number of entities reached, outcomes expected to be achieved.

Data Source: Headquarters and Regional compliance assistance staff will provide information.

QA/QC Procedures: Headquarters will review information entered into CATS for accuracy.

Data Quality Review: None

Data Limitations: None

New/Improved Data or Systems: None

Performance Measure: 200 compliance assistance tools developed

Performance Database: Output measure Compliance Assistance Tracking System (CATS). System includes information on industry, statutes, number of entities reached, outcomes expected to be achieved.

Data Source: Headquarters and Regional compliance assistance staff will provide information.

QA/QC Procedures: Headquarters will review information entered into CATS for accuracy.

Data Quality Review: None

Data Limitations: None

New/Improved Data or Systems: None

Performance Measure: All new EPA compliance assistance materials will be added to the Clearinghouse within 30 days of receipt.

Performance Database: Internal tracking system. Headquarters will track timeliness using PC-based system.

Data Source: Headquarters will report on progress.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New/Improved Data or Systems: None

Performance Measure: Increase Environmental Management Systems (EMS) use by developing tools, such as training and best practice manuals that encourage improved environmental performance.

Performance Database: Internal tracking system is currently being developed.

Data Source: Headquarters will report on progress.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New/Improved Data or Systems: None

Performance Measure: 70% of significant impacts identified by EPA are successfully mitigated.

Performance Database: §309 Effectiveness Study reviews environmental impact of Federal actions.

Data Source: Bi-annual analysis of Environmental Impact Statements (EIS) reviewed by EPA to determine the number of significant impacts identified and the percent of those impacts successfully mitigated.

QA/QC Procedures: Headquarters staff determine consistency in data reported during previous year with regional/federal Agency data.

Data Quality Review: Peer review by Headquarters with regions who perform the reviews.

Data Limitations: Does not fully measure success since it tracks only post-EIS changes, not those resulting from pre-EIS consultations.

New/Improved Data or Systems: Additional capability provided by Lotus Notes will allow real time evaluation of mitigation measures.

Performance Measure: 100% of Clean Water Act (CWA) Construction grant and permit NEPA obligations are met.

Performance Database: Regional input of NEPA obligations

Data Source: Headquarters spot checks regions on quarterly basis.

QA/QC Procedures: General review by affected public and environmental community.

Data Quality Review: Office of Water document control process.

Data Limitations:

New/Improved Data or Systems: System enhancement under review.

Coordination with Other Agencies

The Compliance Assistance program and the U.S. Department of Agriculture (USDA) have created an Agricultural Compliance Assistance Center. The program has in place two Interagency Agreements with USDA to award funds to Land Grant Universities to develop compliance and pollution prevention materials.

The Compliance Incentives and Assistance program works closely with the states as they provide an increasing amount of compliance incentives and assistance. The compliance assistance centers have been coordinating with the states to assist them in their outreach efforts to industry, to facilitate their delivery of sector-specific regulatory information, to serve as the delivery mechanism for their pollution prevention and compliance assistance material, and to build their capacity to meet the environmental needs of the businesses in their states and localities.

The Enforcement program works with states prior to and following enactment of state audit privilege and immunity legislation to identify and express the Agency's policy and legal concerns. EPA has adopted a pragmatic, problem-solving approach to addressing legal adequacy in specific states that have enacted audit privilege and immunity laws. EPA and the state use a process under which they identify any legal impediments to federal program authorization resulting from the state's law. The impediments can then be addressed through tailored statutory amendments, or a state Attorney General opinion interpreting the law consistent with federal requirements, or both. EPA has completed this process in ten states—Arkansas, Indiana, Michigan, Minnesota, Ohio, South Dakota, Texas, Utah, Virginia, and Wyoming, an increase of four states during the past year.

The Agency is required to review the environmental impact statements (EIS) and other major actions impacting the environment and public health proposed by all federal agencies, and makes recommendations to the proposing federal agency on how to remedy/mitigate those impacts. Although EPA is required under § 309 of the Clean Air Act to review and comment on proposed federal actions, neither the National Environmental Policy Act nor § 309 of the Clean Air Act, require a federal agency to modify its proposal to accommodate EPA's concerns. Accordingly, many of the beneficial environmental changes or mitigation that EPA recommends must be negotiated with the other federal agency. The majority of the actions EPA reviews are proposed by the Forest Service, Department of Transportation (including Federal Highway Administration and Federal Aviation Administration), Army Corps of Engineers, Department of the Interior (including Bureau of Land Management, Minerals Management Service and National Park Service), Department of Energy (including Federal Regulatory Commission), and Department of Defense.

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)

Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)

Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)

Safe Drinking Water Act section 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)

Clean Air Act section 113, 114, 303, and 309 (42 U.S.C. 7413, 7414, 7603, 7609)

Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)

Emergency Planning and Community Right-to-Know Act section 325 and 326 (42 U.S.C. 11045, 11046)

Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)

Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)

National Environmental Policy Act (NEPA)

Antarctic Science, Tourism, and Conservation Act (ASTCA)

Endangered Species Act (ESA)

National Historic Preservation Act (NHPA)