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Agency Operating Guidance

FY 1993

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OVERVIEW

This Agency Operating Guidance (AOG) is a component of EPA's planning and management system. It outlines the direction and strategic priorities for EPA's programs in fiscal year 1993. The AOG has three parts: a general overview of Agency direction; a program-by-program description of each Assistant Administrator's goals and strategies for the year; and definition of specific measures that will be used to monitor and evaluate program progress through the Strategic Targeted Activities for Results System (STARS). The AOG serves as important guidance for regional EPA, state, and local program officials in setting priorities in light of current Agency policy. For senior Agency managers, STARS serves as an important source of information on our accomplishments and as an early warning system for problems requiring further attention.

EPA has achieved many successes as the primary federal agency responsible for protecting and improving the environment. Congress has enacted over a dozen major laws aimed at protecting the environment, giving EPA the lead in addressing air and water pollution, hazardous waste disposal, and toxic and pesticide contamination. Despite notable progress, many environmental problems are not fully resolved and others continue to emerge. We face daunting scientific and resource challenges as we pursue those actions most critical to reducing risk to human health and the environment.

To meet these challenges, we have made important changes in the way we define environmental problems and their solutions. In public fora, as well as within the Agency, we are asking ourselves fundamental questions: What is the nature of the risk to human health and/or the environment? Are we spending our resources to take advantage of the best opportunities for reducing the most serious remaining risks? Will our actions be viewed as credible by the public and the Congress? How will we measure our progress in reducing risk?

Over the past five years, we have been improving our ability to set priorities based on risk and risk reduction potential at the national, regional, and state levels. As recommended in the Science Advisory Board (SAB) report, **Reducing Risk: Setting Priorities and Strategies for Environmental Protection**, EPA is working to set priorities by weighing the relative risks associated with different environmental pollutants, sources, and geographic areas. All ten regions have conducted comparative risk projects to analyze and rank regional environmental issues, and all are using that information to complete risk-based strategic plans. Also, a growing number of states have initiated or completed comparative risk projects.

EPA regional staff should use the results of these comparative risk studies along with the recommendations of the SAB report as

they develop strategies with states for the use of the FY 1993 grant funds. Prior to the grant negotiations, regional and state officials should discuss ways to integrate existing grant authorities in order to effectively address top environmental risks. State work plan review should include broad cross-media review of proposed grant allocations to ensure that risk-based priorities are adequately addressed. Staff should also consider opportunities for disinvestment which take risk information into account. These steps work toward ensuring that state grant negotiations focus on the most serious remaining risks while responding to statutory requirements.

The SAB report also challenged EPA to make greater use of all tools available to reduce risk, and to approach environmental protection based on cooperation across program offices and between Headquarters and regional offices. As a central component of the Agency's emphasis on risk reduction, we will continue to develop and implement a cross-media/multi-media perspective and capability into all stages of environmental enforcement planning and case development. FY 1993 cross-program initiatives on ground water protection, contaminated media, and other concerns involve the efforts of several offices in EPA. Such approaches meet the SAB's challenge to move away from reliance on mandated, end-of-pipe controls, and develop integrated approaches that focus on opportunities for environmental improvement.

Our first Agency-wide strategies and framework document, **EPA...Preserving Our Future Today**, is designed to further promote the collaborative behavior needed to define and address environmental priorities. The plan identifies risk reduction as EPA's principal measure of success, and outlines ten key themes around which the Agency is organizing its work. The AOG reflects the application of these themes. For example:

- Strategic Implementation of Statutory Mandates: Program offices are defining strategies to address the greatest health and environmental risks first and to achieve greater efficiencies in program operations.

- Science/Data: EPA's Knowledge Base: Work on monitoring and assessment activities, treatment technologies, data management and integration, and environmental indicators will improve the quality and application of scientific tools that support Agency decisions.

- Pollution Prevention: Program offices, regions, and states will develop and promote pollution prevention technologies and practices to better implement statutes and meet environmental goals. Use of pollution prevention conditions in enforcement agreements will be expanded.

- Geographic Targeting: EPA and the states will continue to target resources to geographic areas facing the greatest health or ecological risks. Agency-wide multi-media

geographic initiatives include the Great Lakes, the Gulf of Mexico, and the Mexican Border, as well as many smaller geographic-specific initiatives.

- Market Mechanisms and Economic Incentives: New ways to promote efficiency through pollution prevention and innovative technologies will be explored.

- Multi-Media Enforcement: With Office of Enforcement management and coordination, EPA and the states will target special cross-media enforcement to a limited number of national enforcement initiatives that focus on specific sites, areas, pollutants, and/or industrial sectors with noteworthy environmental problems. In order to facilitate a multi-media perspective, starting in FY 1993, the regions are to develop and employ multi-media checklists for use in all EPA inspections at facilities that have multi-media obligations or impacts. Additionally, the regions will be increasing their use of consolidated and coordinated multi-media inspections.

- State and Local Program Capacity: Efforts to strengthen state and local capacity and capability to act as effective environmental managers include training, technical assistance, data sharing, and support for innovative technologies.

- International Cooperation: Make EPA a global leader in addressing environmental problems by sharing technical knowledge and coordinating international efforts to prevent and control pollution and reduce risk.

- Education and Outreach: Public support for the protection and stewardship of the environment will be mobilized through traditional outreach tools, as well as special pilot projects.

- Management and Infrastructure: A variety of human resource and facilities management actions are planned to create and market a working environment that attracts, develops, and retains highly trained and motivated employees.

We have made great progress in improving the planning and management processes within the Agency. Of special note are the efforts underway to drive future budget choices based on initiatives tied to the Agency-wide planning themes. Although many obstacles remain, management and staff continue to work with their stakeholders to further improve the Agency's ability to "preserve our future ... today."

Office of Air and Radiation

FY 1993

OFFICE OF AIR AND RADIATION ASSISTANT ADMINISTRATOR'S OVERVIEW

AGENCY OPERATING GUIDANCE

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INTRODUCTION

Our highest priority for FY 1993 will be continued implementation of the Clean Air Act Amendments of 1990, signed into law by President Bush on November 15, 1990. These amendments provide the basis for a comprehensive nationwide program that will ensure cleaner air for all Americans. Our implementation of the new Act is based on a two-year plan that we update annually. EPA is committed to implementing the new Act in a cost-effective manner, while ensuring consistency with national energy and economic policies. The implementation of the amendments will not only employ traditional approaches for controlling air pollution, but will use the power of the marketplace, encourage local initiatives, and emphasize pollution prevention (Appendix A).

This overview describes the activities needed in FY 1993 to effectively implement the Clean Air Act Amendments of 1990 and other air and radiation priorities.

Our most important environmental goals include:

- Attain healthy air in all our cities.
- Cut air toxics emissions by 70 percent.
- Reduce sulfur dioxide emissions by 10 million tons.
- Phase out chlorfluorocarbons (CFCs) and other ozone depleting substances.
- Reduce public exposure to radon and other indoor air pollutant

Environmental Priorities - Building on our Successes. FY 1993 will be our third year in implementing the new Clean Air Act, and making significant headway toward cleaning the nation's air and preserving the environment for succeeding generations. Our two year plan includes a total of 52 actions for FY 1993, compared to the 41 completed in FY 1991. Our focus in FY 1993 will be moving implementation of the Act out to all the states.

In the year since the Clean Air Act has been signed we have developed clean air rules that will achieve two-thirds of the entire pollution reduction envisioned in the Act. We have proposed 35 clean air rules and completed nine. When fully implemented, the rules that we have proposed or completed will remove 35 billion pounds of a total of 56 billion pounds of air pollutants (Figure 1). We are required to promulgate more than 120 regulations by 1995, an average of 24 rules per year. Previously, we have averaged five to eight rules a year. In addition we must conduct major research programs and carry out over 90 studies. Figure 2 shows the number of actions included in our revised two-year implementation plan.

In addition to implementing the Clean Air Act, we will continue to develop and implement innovative, non-regulatory programs to reduce risks from radon and other indoor pollutants, ranked in the Science Advisory Board's "Reducing Risk" report as among the most serious health risks addressed by the Agency. We will promote public in-home radon testing, problem solving, and pollution prevention initiatives, as part of an assertive citizen outreach effort. In FY 1993 we will continue our non-regulatory approach to public health protection and continue strengthening our partnership with states and the private sector.

Clean Air Act Accomplishments

Figure 1

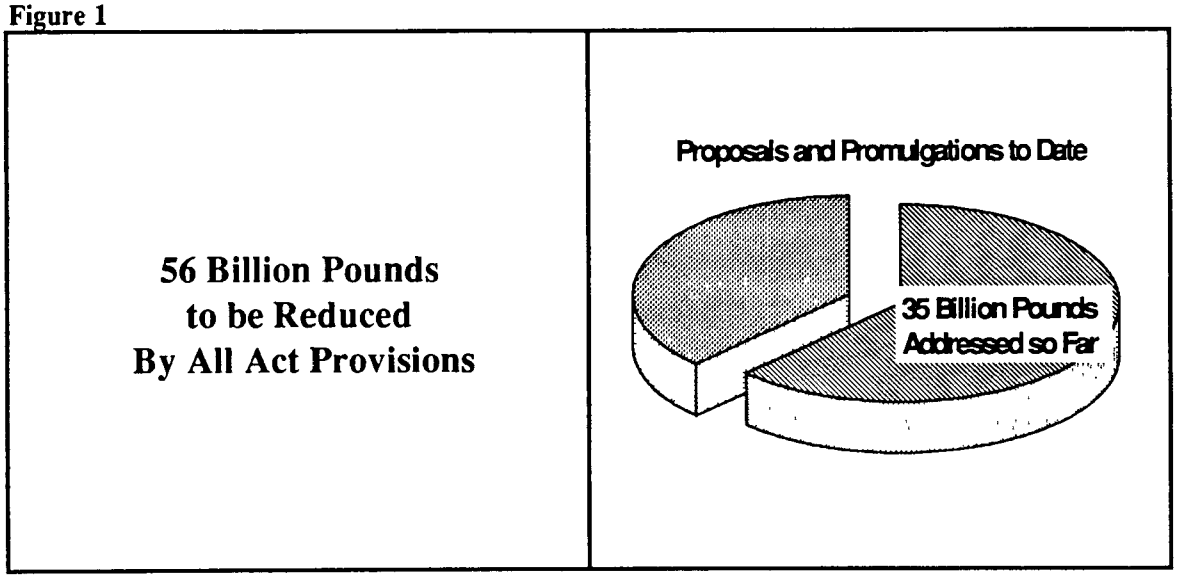
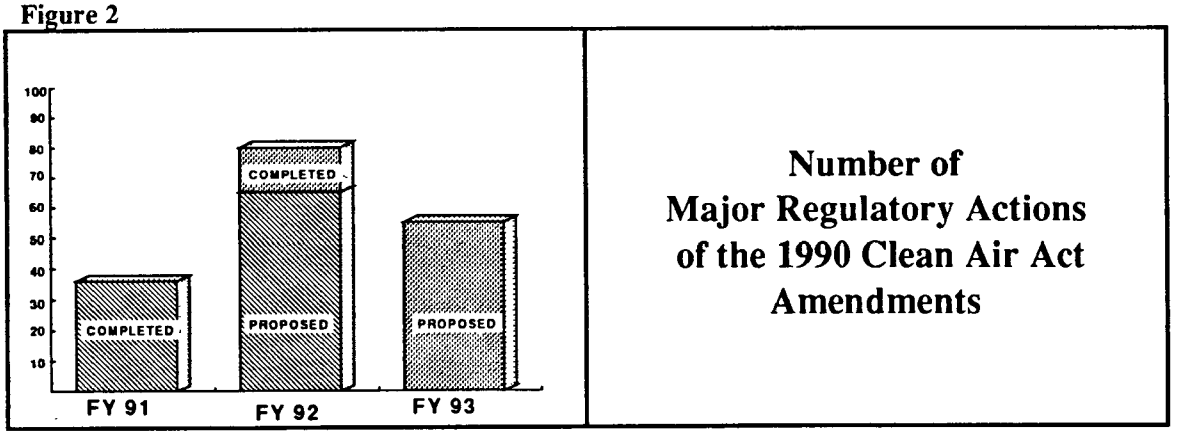


Figure 2



Our FY 1993 priorities in working with states includes:

Clean Air Act Implementation

- Encourage state and local agency use of consensus building processes and market based approaches to implementation.

National Ambient Air Quality Standard for Ozone

- Develop state rules for volatile organic compounds that will reduce emissions by 15 percent per year and achieve the health standard.
- Establish new and enhanced vehicle inspection and maintenance programs.
- Address monitoring and emission inventory issues raised by the National Academy of Sciences.

State and Local Operating Permit Programs

- Enact state enabling legislation still outstanding.
- Complete development of state and local programs.

Acid Rain

- Review Phase I permit applications and continuous emissions monitor certifications.

Compliance/Enforcement

- Identify and initiate actions to resolve significant violations, particularly in ozone nonattainment areas.

Air Toxics

- Implement the early reductions program.

Radon/Indoor Air

- Target state and local programs to high-risk areas.

Implementation principles. We are currently working diligently to meet the challenges we face to implement the new Clean Air Act. In FY 1993 we will continue to organize our work and plan our analyses to ensure that we meet key deadlines. We will also set priorities based upon environmental and health benefits (risk reduction) and the ability to leverage our resources.

EPA is currently forming partnerships with state, local, and tribal governments and recognizes the pivotal role they will play. We are working and communicating effectively with, and seek the involvement and assistance of, all affected parties including public interest groups, industry, and other federal agencies. We must encourage a two-way process of communication with local, governments, recognizing the importance of involving people early and providing them with opportunities to participate. We must actively use formal and informal negotiation processes to explore issues and, where possible, achieve consensus among interested parties. A key element in our strategy, as the program shifts more into field implementation, is to encourage state and local agencies to adopt consensus building and market-based strategies in their implementation efforts.

We must continually look for and employ methods that accomplish our environmental goals through the use of market-based incentives. Our initiatives and policies must make sound economic sense and sustain economic growth alongside a healthy and productive environment. We are reviewing strategies and programs that reduce or eliminate the sources of pollution so that costly remedial action will not be required. Our implementation principles are summarized in Appendix A.

We are continuing to issue rules and start initiatives that will meet environmental goals and give American industry the flexibility to achieve these goals economically. In addition to implementing the Clean Air Act, we will continue to develop and implement innovative, non-regulatory programs to reduce risks from radon and other indoor air pollutants and to achieve energy conservation. Also, we will continue to support efforts to safely handle and dispose of radioactive waste.

Key Actions From FY 1991

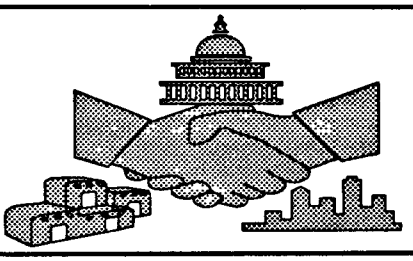
- **Clean Fuels.** We negotiated regulatory agreements on reformulated gasoline and oxygenated fuels. The result of this negotiation will reduce tail pipe emissions requiring areas with carbon monoxide nonattainment to use oxygenated fuel by November1992; and with severe ozone levels to use reformulated gasoline starting in 1995.

- **Acid Rain.** We proposed a clean air rule that will cut emissions of sulfur dioxide, a major contributor to acid rain, by 50 percent. This is a product of Our Acid Rain Advisory Committee, a diverse group representing utilities, state regulators, environmental and consumer groups, the coal and gas industry, and others.

- **State Capacities.** We proposed a permit rule that will provide an integrated framework for implementation of the Clean Air Act, and funding to make state programs self-sufficient.

- **Visibility.** On September 18, 1991 EPA promulgated controls on the Navajo Generating Station located in Arizona. EPA also established a visibility transport commission for the region affecting the visibility of the Grand Canyon National Park. In addition, EPA and the National Park Service will be preparing an interim report that identifies and evaluates sources and source regions with visibility impairment.

- **Multi-State Partnership.** The new Clean Air Act established a mechanism for forming a multi-state commission to address the interstate transport of airborne ozone and ozone precursors. The Northeast Ozone Transport Commission includes 11 northeast states, and Metropolitan Washington, DC. These states must adopt certain control measures, such as enhanced vehicle inspection/maintenance (I/M) programs and reasonably available control technology (RACT) for VOC control. In addition, the commission provides a forum for the states to coordinate air quality modeling, planning, and control measures on a region-wide basis.

Form Strong Partnerships with State, Local, and Tribal Governments.	

Agency themes for FY 1993 OAR's long- range strategic plan lays out key goals for our programs. These goals are cross-cutting and address the critical challenges our programs face over the coming years. The frame work for improving the linkage between EPA's planning, budgeting, and management processes lies in a set of ten Agency themes, that describes EPA's strategic objectives for the future. Our FY 1993 priorities and activities stem directly from the objectives we have laid out for ourselves in order to accomplish these goals.

STRATEGIC IMPLEMENTATION THEMES FOR THE OFFICE OF AIR AND RADIATION

Strategic Implementation of Statuatory Mandates. Implement our statutory mandates by coordinating state, local, and EPA compliance activities; target areas of highest health and environmental risks. Ensure that the Agency's themes are incorporated into OAR's activities for our two key statutes; the Clean Air Act Amendments of 1990 and the Indoor Radon Abatement Act.

State and Local Program Capacity. Move implementation of statutes to the field by supporting state development\implementation of operating permit and fee programs; building state capacity to implement market-based programs; and establishing self-sufficient, non-regulatory programs for radon and indoor air.

Geographic Targeting. Target resources to the problem and geographic areas with the greatest risks from air pollution and radiation. Support agency-wide, multi-media geographic initiatives that focus on high health or ecological risks.

Market Mechanisms and Economic Incentives. Encourage pollution prevention and cost-efficiency and foster development of innovative technologies that promote efficiency, through increased use of market-based approaches and economic incentives as a routine part of rule development and build state and local capacity to carry out these approaches.

Science/Data: EPA's Knowledge Base. Use the EPA research committee process to establish a balanced program of research that recognizes the priorities among established programs and emerging programs. Improve understanding of environmental problems through systematic collection and analysis of data.

Education and Outreach. Use OAR principles for education, outreach, and negotiation. Develop public education and risk communication programs to carry out non-regulatory programs for indoor air, radon, and energy conservation. Initiate a pilot consumer environmental action program to maximize EPA's effectiveness in reaching private citizens.

Pollution Prevention. Identify opportunities for pollution prevention in implementing the new Clean Air Act amendments and other statutes. Make pollution prevention a routine consideration in carrying out air and radiation programs.

Multi-Media Enforcement. Increase Agency and state capacity for multi-media enforcement that deters potential violators and inhibits transfer of pollution among media. Participate in cross-office efforts to integrate regulatory and enforcement activities, particularly in the "clusters" effort.

International Cooperation. Contribute to the EPA effort to become a global leader in addressing air and radiation problems by providing technical knowledge and coordinating international activities. Address transboundary air quality problems in cooperation with Mexico and Canada. Support the North America Free Trade Agreement.

Better Management and Infrastructure. Emphasize staff development to meet future challenges in attracting and retaining a talented workforce through programs such as an intensive orientation, career development programs, and establishment of long-term relationships with minority academic institutions. Support agency initiatives to improve program effectiveness through use of Total Quality Management and other management techniques. Establish a vehicle\fuels laboratory and a radiation laboratory with world-class analytical capabilities.

ATTAINMENT OF NATIONAL AMBIENT AIR QUALITY STANDARDS

In FY 1993 we will continue our goals to meet National Ambient Air Quality Standards (NAAQSs) in all areas by 2011, to achieve substantial near-term reductions in criteria pollutants and precursors, and to attain standards in most urban areas by 2001. The new Act provides EPA, state, local, and tribal governments a larger arsenal of tools to help achieve NAAQSs. The new Act also authorizes EPA, state and local agencies to harness the power of the marketplace to implement the most cost-effective methods for reducing air pollution. We will emphasize the development of new technologies and fuels. We will empower state, local, and tribal governments by providing increased grant funds and support the development of permit fee programs.

Ozone/carbon monoxide. Exposure to high ozone and carbon monoxide levels place individuals at risk to harmful health effects. The Nation's ozone problem is possibly worse today then when the original framework for control was established. With further growth in population and vehicle miles of travel (VMT) and the absence of additional controls in major metropolitan areas, higher levels of both ozone and carbon monoxide are possible.

The basic thrust of the new Clean Air Act is to provide for attainment of the NAAQSs through control of:

- Existing stationary sources through applications of reasonably available control technology (RACT).
- New or modified major stationary sources through Source Performance Standards (NSPSs) and new source review.
- Vehicle emissions through the Federal Motor Vehicle Control Program, new fuels requirements, and associated state efforts such as vehicle inspection/maintenance (I/M) programs.
- Vehicle emissions through transportation and air quality planning processes to assure that gains achieved through cleaner vehicles and cleaner fuels are not lost to uncontrolled increases in vehicle miles traveled.

In FY 1993, the third year of implementation for the new Clean Air Act, EPA, state, and local agencies will focus on the following:

Mobile Sources

- State and local agencies will submit baseline emissions inventories for ozone/carbon monoxide nonattainment areas.
- EPA will issue guidance to state and local jurisdictions to develop the transportation control measures for inclusion in state implementation plans (SIPs).
- EPA will issue guidance for Clean Fuel Fleet programs.
- States will develop SIPs to enhance their I/M programs to make them more effective in identifying high polluters.
- States and local agencies will implement the oxygenated fuels program in moderate and serious carbon monoxide nonattainment areas.

Stationary Source Control

- State and local agencies will submit revisions to their SIPs addressing RACT for Major VOC sources, stage II vapor regulations, new source review requirements.
- Stae and local agencies will continue their enforcement program addressing VOC sources.
- State and local agencies will add enhanced ozone monitors and continue to systematically replace worn-out monitors.

Particulate Matter (PM-10). In 1993 EPA will continue reviewing SIP submittals and revising existing guidance. In addition, EPA will continue to implement and enforce the Federal Motor Vehicle Control Program as it applies to emissions of particulate matter and nitrogen oxides that impact PM-10 problems. State and local agencies will continue developing SIPs for serious and new moderate nonattainment areas.

The basic components of the PM-10 program required by the 1990 amendments to the Clean Air Act include:

- States develop SIPs for areas redesignated as serious.
- EPA reviews, approves, and disapproves PM-10 SIPs submitted by states .
- EPA redesignates locations as nonattainment areas where new violations of NAAQSs are identified; states develop SIPs for areas.
- EPA continues development and publication of guidance for reasonably available control measures and best available control measures.
- EPA implements expanded enforcement inspection program.
- EPA continues review/revision of emission factors.

Sulfur Dioxide. We will work with state and local agencies to implement changes to the NAAQSs for sulfur dioxide. We will also designate new sulfur dioxide nonattainment areas. We will also complete the program for enforcing on-highway diesel fuel sulfur limits required by the new Clean Air Act.

During FY 1993, we will work with state and local agencies to implement the following sulfur dioxide activities:

- Designate new sulfur dioxide nonattainment areas.
- Provide technical and policy support to states, enabling them to prepare viable SIP revisions.
- Correct SIP deficiencies that hinder enforceability and adversely affect operating permits.
- Revise state source emission limits.
- Ensure that all large utility steam generating units have installed the proper continuous emission monitoring systems to minimize excess emissions.
- Establish a record of continuous compliances and facilitate implementation of acid rain provisions in the new Clean Air Act.

AIR TOXICS

Ambient air monitoring has detected over 3,000 compounds considered to be potential air toxics and possible danger to human health. Many of the documented health problems are alarming, and the full effects of air toxics exposure are unknown. The control of air toxics is a priority for EPA and state and local agencies because of the seriousness of the health consequences and the large number of people at risk.

The Clean Air Act Amendments of 1990 include significant changes for the national air toxics program. EPA must publish a list of source categories and subcategories that emit one or more of 189 compounds listed in the new Act. EPA will accept petitions to add or delete pollutants from the list. The Act provides a two-step process for regulating sources that emit any of the 189 compounds. EPA first must promulgate technology-based standards and then later review the residual health risks after the standards have been applied. Within two years from enactment, EPA must promulgate MACT standards for 40 source categories. EPA must then promulgate standards for 25 percent of the source categories within four years, an additional 25 percent within seven years, and the remainder within 10 years. The NO_x emissions will be achieved through a combination of stationary and mobile source controls.

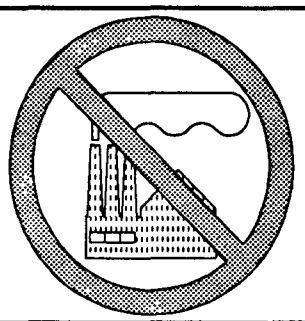
Air Toxics program activities planned for FY 1993 include:

- Proposed standards for "second round" of air toxics sources needed to achieve 25 percent requirement by November 1994.
- Follow up on the mobile sources Air Toxics Study to determine need for additional controls.
- Promulgate coke oven rules.
- Grant or deny petitions to add or delete pollutants from the list of 189 compounds.
- Implement existing radionuclide National Emission standards for Hazardous Air Pollutants; compleat evaluations of adequacy of Nuclear Regulatory Commission material licensees program to meet Clean Air Act requirements.

ACID RAIN

Acid rain causes damage to lakes, forests, and man-made structures; contributes to reduced visibility; and is suspected of causing damage to human health. The acid rain provisions in the Clean Air Act Amendments of 1990 provide for reducing acid rain precursor emissions using a "cutting edge" program that may serve as the prototype for new, more cost-effective ways of addressing health and environmental benefits in the future.

The long-term goal of the Act is to reduce sulfur dioxide emissions by 10 million tons and nitrogen oxide emissions by two million tons. EPA will achieve the sulfur dioxide emission reduction goals through an integrated trading program, which is composed of an allowance allocation program, a permitting program and continuous emissions monitoring program.

Emission Monitors installed	

In FY 1993 Acid Rain activities will include:
• Activate the allowance tracking system and record trades. • Hold the first allowance auction and fixed price sales. • Revise Phase I permit applications and prepare permits. • Review and take action on applications for allowances from the conservation and renewable energy reserve. • Review monitor certifications for Phase I units. • Advance federal/state partnership and conduct training. • Begin program evaluation. • Monitor Canadian acid rain program through US-Canadian Air Quality Accord. • Promote the issuance of Phase II allowances. • Provide election source Opt Ins.

In FY 1993 we will continue to work with the regions to develop operating permits that will assist state and local agencies. State permit programs are due to EPA by the end of 1993. We will issue comprehensive guidance and model permits and undertake out reach and training efforts to help state and local agencies establish their permitting programs.

In FY 1993 Regions will assist in the Acid Rain Program through the following activities:
• Participate on the Acid Rain Implementation Work Group. • Participate in the permit application review teams. • Issue permits. • Participate on monitoring plan review teams. • Conduct field inspections and monitor audits. • Serve as the liaison with State air agencies and public utility commission. • Provide out reach materials to the regulated community and the general public.

STATE AND LOCAL OPERATING PERMIT PROGRAMS

The FY 1990 Clean Air Act Amendments provide for state and local operating permit and fee programs to enhance the effectiveness of the acid rain, NAAQSs attainment, and air toxics provisions in reducing pollutant emissions. The permit and fee programs will increase source accountability, provide information to carry out regulatory and market-based programs, facilitate inspections, and provide adequate funding for state efforts.

In FY 1993 we will work with state and local agencies to develop operating permit programs. State permit program plans are due to EPA by the end of 1993. We will issue comprehensive guidance and model permits and undertake outreach and training efforts to help state and local agencies establish their permitting programs. States will be working with their state legislatures to obtain operating permit program authority. We will design an adequate audit program to assure that the permit programs are working. The permit program will require modifications in the Aerometric Information and Retrieval System (AIRS) Facility Subsystem to handle the data collected. Lastly, in order to be enforceable, permits must include appropriate test methods and procedures. We will provide assistance in these areas to state and local agencies and small sources.

STRATOSPHERIC OZONE DEPLETION

Depletion of the ozone layer leads to increased penetration of ultra-violet light (UV-B) from the sun which will result in potentially harmful health effects. In addition to health effects, limited studies show that increased UV-B could cause damage to crops and aquatic organisms.

Current activities are designed to facilitate the transition away from ozone-depleting chemicals. Recent scientific information suggests that ozone depletion over period 1979-1989 is substantially greater than what was previously estimated. As a result of this new

scientific data, we will be accelerating our efforts to establish earlier domestic and international elimination of ozone depleting substances.

Key elements of this strategy include:

- Implementing Title VI of the Clean Air Act Amendments of 1990.
- Encouraging other countries to participate in reducing the use of ozone depleting chemicals.
- Encouraging the development of ozone-safe, energy-efficient alternatives and the transfer of technology to lesser developed countries.
- Implementing the Montreal Protocol, an international treaty that limits the production and consumption of chlorofluorocarbons (CFCs) and halons. Signatory countries agree to halt the production of CFCs and halons by the year 2000.

In FY 1993 we will promote development of:

- Safe and energy-efficient substitutes to replace CFCs and halons in the refrigeration, foam blowing, fire prevention, and solvent industries.

- Alternatives that are safe and environmentally acceptable, and that they provide at least the same level of energy efficiency as the chemicals they are replacing.

RADON

Our national radon program goal is to reduce public health risks by reducing exposure to elevated radon levels in existing structures and by preventing exposure in new structures.

Current program activities include:

- Promote radon testing and mitigation through consumer protection programs and grassroot public information activities.
- Operating voluntary industry proficiency programs and consumer protection programs.
- Developing effective state radon programs.
- Promoting radon action during real estate transaction.
- Encouraging the use of radon prevention in new construction.

In FY 1993 the radon program will provide states and industry support for:
• Providing public information, education, and technical assistance to understand and respond to radon problems. • Testing and mitigation by working with local organizations, particularly in high risk areas. • Promotion and adoption of local building codes that provide for radon resistant construction across the country. • Application of radon resistant building practices. • developing policies and standards for radon in houses and to recommend radon testing during real estate transactions.

Our FY 1993 program will also include the implementation of radon measurement and mitigation programs for large buildings, schools, and homes. We will continue to evaluate and demonstrate new mitigation and prevention techniques. These new techniques will include special emphasis on multi-family housing and workplaces. We will continue to use the regional training centers to transfer new technologies to state and local governments and the private sector. The centers will be one of our primary tools for providing training on indoor air and radon. In addition, we will work with financial institutions to develop policies and standards for radon in houses and to recommend radon testing during real estate transactions.

INDOOR AIR

Assuming that the indoor air programs will continue in a non-regulatory milieu, we will increasingly turn our attention to the creation of more specialized information products, training courses, and technical assistance. We will expand our regional training center network to include targeted courses for specific indoor air quality audiences. Guidance has been developed and disseminated to suppliers of particular services or products and will be recast into suitable guidance for consumers of those services or products.

RADIOACTIVE WASTE STANDARDS

Disposal of radioactive wastes. EPA is a major participant in the federal program for the disposal of radioactive wastes. Radioactive waste includes a wide variety of materials of different origins, concentrations, and volumes that are categorized as high-level waste, low-level waste, mixed waste, and residual radioactivity. Agency priorities include issuing high-level waste standards in 1993 and low-level waste standards by 1994. Guidance to limit human exposure to radiation will also continue to be refined. The primary health effects from exposure to radiation increases the risk of cancer and deleterious genetic changes.

Further, as we come to the end of this century after 40 years of nuclear power, radioactive waste disposal, management, and clean-up are generating increasing public concern. Nearly every state in the nation struggles with ever-increasing amounts of

nuclear waste and technically and politically complex siting issues. In FY 1993, OAR will support federal, state, and international efforts to dispose of nuclear waste, participate in nuclear accident emergency planning, support the clean-up of federal facilities, and increase public outreach and educational efforts.

GLOBAL WARMING

The goal of the global warming program is to limit the increase in global temperatures and associated changes in climate. Current strategies for accomplishing this goal include: developing options that will reduce emissions of greenhouse gases at some level of profit, coordinating with industry to ensure necessary concerns are addressed, and identifying obstacles and designing solutions, where possible.

In FY 1993 we will initiate methane and energy conservation projects to reduce greenhouse gases. Methane is second in its overall contribution to global warming, next to carbon dioxide. We will devise a strategy to cost-effectively stabilize emissions of methane by the year 2000. We will also continue to develop options to reduce emissions of methane from enteric fermentation, animal wastes, coal mining, and natural gas systems. The regions will coordinate responses to inquiries from the public and industry, participate in "Green Lights" programs, disseminate EPA information materials, and inform state governments about the global warming program.

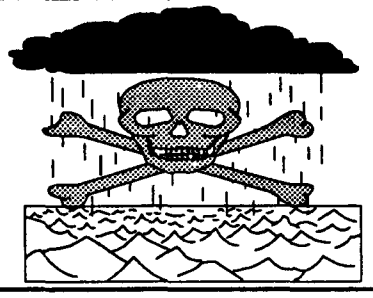
COMPLIANCE AND ENFORCEMENT

New programs will require innovative approaches to Enforcement	EPA OAR

During FY 1993, EPA will continue an aggressive enforcement program, in cooperation with states, to identify stationary sources that are in violation of air emissions requirements, return the sources to compliance, and assess appropriate penalties to mitigate against further violations. To accomplish this more effectively, the agency will extend implementation of new and revised compliance strategies for development of state compliance plans, inspection strategies, and multi-media enforcement programs. EPA will also maintain an active program to implement the requirements of the Clean Air Act Amendments of 1990 and of the Montreal Protocol to protect stratospheric ozone. Substantial efforts will continue in developing and implementing rules and guidance to satisfy the requirements of Title VII of the new amendments.

GEOGRAPHIC INITIATIVES

Great Lakes. OAR will strive to reduce atmospheric deposition of pollutants that account for a significant percentage of total loading in the Great Lakes eco-system. We will conduct a program to assess the hazardous air pollutant deposition and evaluate its impact on humans and the environment; and work closely with federal and state partners to enhance modeling efforts. A report to Congress will be issued in November 1992 that will address the deposition of air toxics to the Great Lakes.

The Clean Air Act requires the Agency to identify pollutants to the Great Lakes.	

Mexico Border. OAR will work with states and Mexico's Secretariat of Urban Development and Ecology (SEDUE) to improve air quality along the US/Mexico border as part of EPA's Mexico Border initiative. Two chief objectives are to meet the NAAQSs for ozone, PM-10, and carbon monoxide in border cities; and improve visibility in clean air (Class I) areas. We will also maximize the technical expertise of several federal, state and local organizations; emphasize a consensus-building methodology, especially with SEDUE. We will undertake a cooperative effort among EPA, SEDUE, Texas, and border cities to refine emissions inventories and perform dispersion modeling; sponsor grants to New Mexico and Texas for ambient air quality monitoring in urbanizing border cities; work with Mexico to reduce ozone precursor emissions. We will also work with Mexico to enhance their mobile source emissions control programs.

Indian Tribes. Our assistance to tribes will build on the success of past efforts in key geographic areas. We will continue to support tribal air quality monitoring that provides a basis for evaluating and addressing air quality problems on tribal lands. We will continue to provide assistance in measuring levels of indoor radon.

Appendix A

IMPLEMENTATION PRINCIPLES FOR THE CLEAN AIR ACT of 1990

Promise of the Clean Air Act

- "Every American expects and deserves to breath clean air....."
  President Bush

- These principles will guide us as we turn the promise of the Act into legacy of clean air.

Policy

- **E3:** Achieve and maintain a healthy **environment**, while supporting strong and sustainable **economic** growth and sound **energy** policy.

- **Market-based:** Use market-based approaches and other innovative strategies to creatively solve environmental problems.

Build Consensus

- **Joint Venture:** Recognize the essential role played by state and local governments.

- **Negotiate:** Use negotiation techniques to resolve critical issues with other interested parties, including other government organizations, industry, environmental groups, and academics.

- **Federal Coordination:** Work closely with other EPA offices, other federal agencies, and the Congress to ensure a coordinated approach that will achieve environmental objectives in the most efficient manner possible.

Management

- **Deadlines:** Establish and meet commitments to effectively implement key provisions of the Act.

- **Team Effort:** Work together; attract and retain a diverse and talented workforce.

Office of Water

OFFICE OF WATER
ASSISTANT ADMINISTRATOR'S OVERVIEW

I. INTRODUCTION

The water portion of the Agency's FY 1993 Operating Guidance provides national direction to EPA, States, Indian Tribes and the regulated community in implementing programs mandated under Federal water protection statutes. These statutes include: the Safe Drinking Water Act (SDWA), as amended by the Lead Contamination Control Act of 1988; the Clean Water Act (CWA), as amended by the Water Quality Act of 1987; the Marine Protection, Research and Sanctuaries Act (MPRSA), as amended by the Ocean Dumping Ban Act of 1988; the Shore Protection Act; the Marine Plastics, Pollution, Research and Control Act; the Coastal Zone Management Act, as amended; and the Great Lakes Critical Program Act. The Agency and the States also implement programs to protect ground-water quality through provisions under several different statutes. Unless otherwise noted, the word "State" also means "Tribe" or "Tribal," wherever such a connotation is appropriate and relevant.

FY 1993 is a critical year for implementing many activities within the water program. Today's problems are different from those of the past and we need to design and implement new solutions and creative approaches. However, we must do so while recognizing and building upon the accomplishments achieved by our base programs. Consequently our strategy, as reflected in our strategic plan, recognizes that existing controls must be maintained if the gains we have achieved are not to be eroded. At the same time, we need additional initiatives which are targeted for solving problems in critical watersheds and aquifers. Approaches such as geographic targeting allow us to better focus our resources on high priority areas. We will work with Regions and States, using tools available across the Agency's programs, to identify specific problems and solutions.

Our FY 1993 activities are closely linked to the Agency's strategic directions and priorities. We emphasize the reduction of human health and ecological risk and have designed initiatives to address both areas in accordance with the Science Advisory Board's (SAB) recommendations. We are also working to improve the science of ecological and public health protection by developing environmental indicators, criteria, standards and predictive modelling to improve our ability to identify, manage and reduce risks. We will work to improve the scientific basis for future actions by applying research in such key areas as surface-water toxics, ground-water contamination and cleanup, drinking water contaminants, sediments and wetlands.

We will continue to focus our enforcement efforts on human health and ecological risks from significant noncompliers. We will also focus on the duration of noncompliance. OW will support the Agency's multi-media enforcement theme by supporting multi-media inspections, the FY 1993 multi-media initiatives and cluster efforts endorsed by the Agency's Enforcement Management Council (e.g., noncompliant industry groups, Mexican Border, compliance data quality and Federal facilities). Regions and States will continue to use all appropriate sanctions, including civil, judicial, administrative and criminal sanctions.

The Office of Water will also support non-enforcement efforts to achieve compliance. One initiative is State-based municipal pollution prevention programs which focus on preventative measures such as water use efficiency, pollutant reduction and compliance maintenance. Other efforts will include: the development and dissemination of new technical solutions; support for improved operation and maintenance of municipal wastewater treatment facilities; development and dissemination of innovative financing mechanisms such as public private partnerships; and targeting State Revolving Funds on priority activities.

This guidance reflects the water programs' efforts to promote cross-program initiatives and partnerships with other Federal Agencies, States, local governments and private groups. We will increase the integration of our activities with these groups by using their expertise and resources to develop multi-faceted and cost effective solutions. We stress effective use of the information we collect by sharing data across EPA programs and with other Federal, State and local agencies. We seek to complement and balance existing Federal/State regulatory programs with activities to empower State and local governments and the public. The fundamental objective of this expanded orientation is to mobilize public support for protection and stewardship of water resources with Federal and State governments offering technical, scientific, and educational assistance to support and reinforce grassroots efforts.

II. PROGRAM DIRECTIONS AND PRIORITIES

The FY 1993 water programs' directions and priorities are presented in terms of the Agency's Themes.

THEME: GEOGRAPHICAL AND ECOLOGICAL

The fundamental philosophy and goal of the 1993 water quality program is a risk-targeted approach to pollution prevention and control. EPA will direct activity not just geographically but strategically. This will be accomplished by integrating relevant EPA, State and local programs in selected watersheds with high

environmental and human health risks or resources of outstanding value which deserve special protection. To do this we will use both traditional regulatory and non-traditional approaches.

We will carry out several legislatively mandated programs and focus on cross-media geographical activities. EPA and the States will continue to carry out strong permitting and enforcement activities in the NPDES, pretreatment, UIC and PWSS programs. For example, the NPDES program will continue to incorporate water-quality based limits into its permits. The NPDES program will also continue developing the capacity to incorporate sludge controls and sediment quality-based limits into permits.

In FY 1993, Headquarters will begin encouraging States to adjust their permit issuance cycles so that permits within a watershed can be issued in the same year. The NPDES program will also assist States in efforts to identify low cost, practical measures that are effective in controlling the non-traditional sources of pollution such as storm water and CSOs. The nonpoint source program will place particular emphasis on controlling NPS pollution in coastal areas with degraded water quality.

Geographic Areas

The geographic areas discussed in this section, especially the Great Water Bodies, are a high priority for the Agency and in particular for the Office of Water. We must be ready to take advantage of opportunities to combine the tools we have available to address and control risks.

Great Lakes: We will focus on an interagency Great Lakes habitat program demonstrating practices and tools for accelerating the restoration of aquatic and transitional zone habitats in conjunction with follow-on to the Assessment and Remediation of Contaminated Sediments demonstration projects. The program will expand information management and data integration to aid in implementation of Lakewide Management Plans, Remedial Action Plans and habitat restoration plans. In FY 1993, increased emphasis will be placed on the Great Lakes Atmospheric Deposition network as well as nonpoint source pollution control. Information will be provided on the scientific basis of sediment criteria, the use of sediment standards in setting water quality based permit limits for point sources and loading limits for nonpoint sources. Permitting and enforcement efforts will be directed toward non-traditional sources of pollution including CSOs and storm water.

Chesapeake Bay Program: Priority activities for the Bay Program include development of a "tool chest" of computerized information assistance, facilitating the ability of local governments to meet environmental goals. Outreach efforts will expand public involvement in programs to reduce the effects of nonpoint sources

of pollution. The Agency will escalate the pace of the nutrient reduction program to meet the goal of a 40 percent reduction in nutrient levels by the year 2000.

Special permitting and enforcement efforts in the watershed will target communities which are covered by the combined sewer overflow and storm water management requirements. We will continue the highly successful NPDES and Federal facility compliance initiatives to assess and improve the multi-media compliance status of these facilities. Toxics loadings will be reduced by extending the voluntary reduction approach of the 33/50 Project to the 14 chemicals on the Bay's "Toxics of Concern" list. This effort seeks the cooperation of Federal installations in the Bay watershed to report under the Toxics Release Inventory (TRI), identical to Federal TRI requirements. This will provide a baseline for further pollution prevention efforts.

Gulf of Mexico: The Office of Water is supporting the program to characterize problems in the Gulf and to develop long-term plans for improving environmental quality with a special emphasis on near-coastal waters. Technical subcommittees have been established to address several problem areas including: 1) Habitat Degradation, 2) Nutrient Enrichment, 3) Toxics and Pesticides, 4) Marine Debris, 5) Freshwater Inflow, 6) Public Health, 7) Coastal and Shoreline Erosion, 8) Data Information and Transfer, and 9) Public Education and Outreach (including "Year of the Gulf" activities).

Through implementation of a comparative risk project, environmental problems will, for the first time, be systematically ranked according to health, ecological and welfare risks. These results will then be used to set the long-term strategic direction for the Gulf of Mexico Program.

Ongoing program support includes work in nonpoint source management, restoration of shellfish beds, and oil spill contingency planning and response. We will continue existing support of BAYWATCH, beach cleanup activities and the Florida Marine Key Sanctuary water quality plan. The Agency will also continue to identify the most important and vulnerable wetlands resources and work to establish a sound wetlands inventory.

Special efforts will be undertaken in the Gulf Watershed to identify and bring into compliance unregulated point sources. Resources will be directed toward building the capacity to develop, issue, and enforce permits for nontraditional sources (CSOs and stormwater), sludge use and disposal and toxic discharges.

Mexican Border: The Office of Water will initiate and support activities to assist communities, called colonias, adjacent to

the U.S./Mexican Border. Colonias are neighborhoods, subdivisions, and clusters of housing areas along the border, which generally are without municipal services because they are located outside incorporated areas. They are populated by lower-income families, primarily Hispanic-Americans. Over 300,000 colonia residents do not have modern wastewater disposal facilities; many do not have safe drinking water supplies.

The Office of Water will join with the USDA's Farmers Home Administration and the State of Texas Water Development Board in carrying out three different types of projects in colonias. The first are projects for planning, design, and construction of sewer systems in these disadvantaged communities. Completion of these projects will mitigate pollution of the watercourses and shallow ground water in the vicinity of the colonias, thereby reducing the incidence of hepatitis and other waterborne diseases. The second type of project will focus on providing indoor plumbing. The third will support drinking water system construction.

Making real progress on the colonias problems will take a cooperative effort by all levels of U.S. government and between the U.S. and Mexican governments, including; EPA, the Texas Water Development Board, the Farmers Home Administration, the Mexican Secretariat of Urban Development and Ecology, the National Water Commission and the International Boundary and Water Commission.

Targeted Watershed Protection Projects (WPPs): The water quality program will encourage, assist and support the Regions and States in the development and implementation of action plans for Watershed Protection Projects. These projects are to be comprehensive in nature (integrating both surface and ground water components of the watershed), strategically selected for reducing risks and involve all stakeholders. We will give these projects priority consideration for reserved program resources, including intramural and extramural funds.

We will also establish watershed assessment and targeting programs based on both human health and ecological protection. These will include the identification of priority water-quality impaired watersheds, the application of ecologically-based, total maximum daily load (TMDL) techniques. Additionally, through watershed management we will protect sources of drinking water.

Nontraditional Sources and Ecological Protection

We have achieved considerable success using our regulatory programs to protect waterbodies. Addressing the remaining risks will increasingly require the use of nontraditional approaches. These remaining risks, primarily to ecosystems and habitats, are from smaller and more dispersed sources which, in aggregate, constitute the most significant source of impairment to our

waters and the living resources which depend on them. Urban and rural nonpoint sources, storm water, combined sewer overflow (CSO) discharges and physical destruction of habitat are the largest and most important broad categories of "non-traditional sources." The emphasis will be on using a mix of tools and approaches, both regulatory and nonregulatory, tailored to the site specific needs of the waterbody and delivering these controls to the appropriate source to achieve optimum results.

States should continue to develop and implement biological criteria based on regionalized reference sites to help identify impairment by such "non-traditional" sources. We recognize that existing controls must be maintained at needed levels if the gains we have achieved are not to be eroded, but we also recognize that the national regulatory approach, by itself, is not adequate to address site-specific problems in critical watersheds for resource protection.

Stormwater and CSOs: The implementation of the storm water program will be in full swing with the issuance of municipal storm water permits to large and medium sized cities and counties with populations of 100,000 and above. In addition, baseline general permits for sources of storm water associated with industrial activity will be issued.

The implementation of the CSO permitting strategy will also be underway resulting in the incorporation of CSO limits into expiring NPDES permits and expanding compliance monitoring and enforcement activities. This strategy focuses on the CSOs that contribute most significantly to water quality problems.

Nonpoint Sources (NPS): We are increasing support to the Agricultural Pollution Prevention Strategy by formulating new national initiatives with key Federal agencies. The focus will be to reduce NPS nutrient loadings through voluntary action, market-based incentives and nutrient management plans which can be implemented through the President's Water Quality Initiative and State Nonpoint Source programs (section 319). Projects selected for NPS grant funding will be guided, in part, by State priorities for ground water protection.

Work will continue with other Federal Agencies to identify the best available management measures economically achievable for NPS sectors (such as agricultural or commercial). We will assist States in implementing necessary management measures for the highest risk nonpoint sources in critical watersheds and ground water/aquifers. NPS grants will support the targeted NPS program including agricultural and other NPS pollution controls and management measures.

EPA, in coordination with NOAA, will work with States to assure development of approvable coastal nonpoint source programs as

required in the 1990 Coastal Zone Act Reauthorization Amendments. Lessons learned will be transferred to non-coastal watersheds.

Wetlands: A highlight of this initiative will be implementation of the President's wetlands protection plan. In FY 1993, this will include finalization of the interagency technical study on wetlands characterization and the wetlands mitigation banking systems. These systems are designed to provide compensation for the unavoidable loss of wetlands in which compensatory mitigation for more than one project is aggregated and effected in advance at a single large site.

The Agency will increase its efforts to work with States to assume the regulatory program. We will also support States as they build on anticipatory approaches to wetlands protection with increased use of advance identification, special area management plans and comprehensive State wetlands plans, among others. Education/outreach activities to the agricultural community and other regulated sectors will be expanded to counter the high level of misinformation regarding scope and authority of the regulatory program. A coordinated, cohesive, and consistent dredge material testing, use, and disposal strategy will be prepared to ensure appropriate protection of all aquatic ecosystems.

THEME: STRATEGIC IMPLEMENTATION OF STATUTORY MANDATES

The Office of Water is charged with numerous statutory mandates which we strive to meet and which serve as the Nation's baseline for environmental protection. FY 1993 is a pivotal year for some of these mandates and they will receive added attention. The following discussion identifies these priority areas and presents the water programs' approach to implementing these mandates.

Public Water System Supervision Program (PWSS): A major challenge in FY 1993 is implementation of the drinking water program and its new requirements. The Public Water System Supervision program will shift its focus in FY 1993 to building the support, expertise, and institutional mechanisms to implement the many new drinking water regulations at the State and local levels. As a part of this transition we will be setting implementation priorities within each regulation to ensure that States address the most important components of the program first and add others as they build capacity.

In FY 1993, the lead and copper rule and the 38 new and revised inorganic and synthetic organic standards will be in effect. In addition, the statutory deadline for installing filtration at unfiltered surface water sources is June 1993, which poses major compliance problems for large and small systems and the need for increased enforcement activity by the States and EPA.

We must work with the States to develop and implement the new components of the drinking water program, to build State capacity to manage the expanded complex new program and to gain compliance with the new requirements. This will be accomplished through a combination of training, technical assistance, support for affordable technologies and new institutional arrangements (e.g., regionalization), and a stronger enforcement program. Within the drinking water program, both Headquarters and the Regions are developing a set of national priorities for State primacy programs. These priorities recognize the resource limitations States are experiencing while trying to implement an expanded and more complex drinking water program. Regions should incorporate these priorities into negotiated FY 1993 State work programs.

Underlying the implementation challenge to the drinking water program will be initiatives to reduce the resource burden on the States and water systems through closer cooperation and integration of related programs. This includes strong support for development of the comprehensive ground water protection program in each State that will help to prevent pollution of drinking water sources.

Underground Injection Control Program (UIC): The Underground Injection Control (UIC) program focuses primarily on front end controls that are key to determining the presence/absence of potential contamination. This program will be strengthened in FY 1993 as EPA promulgates two sets of regulations: (1) Class II regulations pertaining to area of review and construction requirements for new and converted Class II wells; and (2) Class V regulations pertaining to best management practices for certain categories of Class V wells.

THEME: CLUSTERS

Ground Water Protection: In FY 1993 EPA will be working closely with States as they develop and begin implementing Comprehensive State Ground Water Protection Programs, a key component of EPA's 1991 ground water protection strategy. The strategy directs the Agency to shift program emphasis from individual source control programs to a resource-based approach for protecting ground water. The Office of Water will maintain its leadership role, working with OSWER, OPPTS, and other Agency programs to protect ground water. OW will coordinate Agency efforts to develop and implement consistent programmatic and grant guidance to support Comprehensive State Ground Water Protection Program development. OW will also be working with other Federal agencies to assure that ground water considerations are reflected in the implementation of other Federally assisted programs.

In FY 1993, States will continue to develop and implement wellhead protection programs. Special attention will be given to

the identification and elimination of unsafe injection practices, particularly for Class IV and V injection wells that pose the greatest threat of ground-water contamination.

THEME: POLLUTION PREVENTION

Increased emphasis on pollution prevention is integral to our water quality program. Prevention offers the tools which will help us move beyond what is achievable with end-of-pipe fixes, giving us greater capability -- and flexibility -- to address localized problems requiring more stringent control. Our ultimate goal is to fully institutionalize pollution prevention into all water programs, both regulatory and non-regulatory.

The effluent guidelines program will continue to include process changes and other pollution prevention technologies as the basis for effluent limitations. State-based Municipal Water Pollution Prevention programs will foster pollution prevention and compliance maintenance at Publicly Owned Treatment Works through application of the pollution prevention hierarchy and a preventive management approach to problem solving.

THEME: IMPROVING EPA'S KNOWLEDGE BASE -- SCIENCE AND DATA

The water quality program will support the Agency's Improved Knowledge Base theme by improving the quality and application of our scientific and technical tools. These tools, which underlie the water programs, support water quality assessment and decision making and are essential to protecting human health and the environment. Our efforts will focus on scientific improvements in the following areas: assessing human and ecological risk and contamination of fish and sediment; obtaining data of known quality; standardizing methods for fish contamination advisories (which enable us to communicate risk to the public in terms they can understand and act upon); controlling and preventing industrial toxic releases; assisting and guiding implementation of these tools; and measuring the success of our prevention and control programs.

Risk Assessment: As part of the Agency's initiative to reduce health and ecological risks, the water quality program will enhance its scientific capabilities for developing consistent risk assessment methodologies. This focus will support development of improved methodologies for assessing exposure to contaminants in surface water and hazards that account for a chemical's mechanism of action as well as improved methods to quantify and describe risks. The program will support application of new risk assessment methodologies for specific contaminants; the epidemiological study; research on microbiological water quality; microbial methods development;

increased collection of biological data; and selection, use, and improvement of environmental indicators.

Drinking Water Program: The information management challenge in the drinking water program will become critical in FY 1993 as new requirements accelerate monitoring by State and local governments. In the drinking water program we are moving beyond regulating the 83 original contaminants and the first round of 25 additional contaminants. We are now dealing with contaminants for which data are sparse and where fundamental research and analyses are critical. We have several major data initiatives underway that will improve implementation activities in FY 1993.

Occurrence studies will continue where data are available on additional contaminants. These data, along with necessary risk and cost data, are vital to determining which contaminants need to be controlled and at what levels. Just as importantly, the study will identify which contaminants do not need to be controlled. We will work with the States to improve the quality and timeliness of reporting drinking water data, including the development of a generic-type software to facilitate both compliance determinations and State reporting to the national data system.

Water Quality Program: The water quality program will support activities to improve monitoring and assessment, data management, data integration and environmental indicators. We will assist States in operating base water quality monitoring programs. The Regions will continue to provide support for accurate and consistent State monitoring and assessment programs, reporting for the National Water Quality Inventory (section 305(b)), quality assurance management, technical and field sampling support and biological criteria development. The quality of information in, and access to, PCS and STORET/BIOS/ODES and other water quality systems will be improved to facilitate public use of these systems and ensure national consistency. To enhance our ability to make better decisions, we will accelerate our modernization of STORET/BIOS/ODES including better linkages to USGS and NOAA systems and improved GIS capabilities. The contribution to increasing the knowledge base will be continued by pushing for greater consistency in resource monitoring and assessment procedures under Section 305(b). Improving this data will strengthen our basis for future choices on where to target Agency resources among different watersheds and geographic areas. Our ability to defend project selections and demonstrate project accomplishments based on environmental data will largely dictate our successes and directions in these efforts in the future.

THEME: BUILDING STATE AND LOCAL CAPACITY

Protecting our drinking water, ground water, surface water and ocean resources demand shared responsibilities among all affected

parties. In FY 1993, we will continue to build and improve our partnerships with Federal, State, and local governments. Implementation priorities will be established in new regulations to ensure that States address the most important components of programs first and add others as their capacity increases.

Public Water System Supervision (PWSS): In FY 1993, our highest priority will be building State capacity to tackle the expanded and more complex programs the States must adopt to retain primacy. Through our Regions, we expect to have activities underway in virtually every State to develop new funding mechanisms, to build expertise in the States through expanding training programs, and to effectively implement the new requirements. We will also be involved with a series of initiatives to support small system compliance with the new regulations, particularly the surface water treatment rule and lead and copper rules.

Groundwater: In FY 1993, we will provide the States with guidance and technical assistance to characterize their ground water resources and to identify their most valuable and vulnerable aquifers. States will use this improved knowledge to set priorities for their ground water protection efforts and target geographical areas where ground-water contamination poses the highest human health and environmental risks or where special efforts are needed to protect ground waters of particular vulnerability.

NPDES: Assistance will be provided to States for the development of NPDES programs and for expansion of presently approved State NPDES programs to add authority for sludge management programs, pretreatment programs, Federal facility permitting and issuance of general permits. Permit quality reviews and State audits will be conducted to promote national consistency.

We will continue to conduct strong municipal community outreach programs through municipal water pollution/prevention, small community outreach and education, operator training, technical assistance for operations and maintenance, technology transfer and public education. The principle goals of these programs are to enable municipalities to plan, design, finance, construct, operate and maintain affordable wastewater treatment facilities and to encourage municipalities to integrate pollution prevention principles into wastewater management activities. To meet these goals, we will continue to enlist the participation of State and local governments, national organizations, and other Federal Agencies.

Monitoring: Water quality monitoring is another area in which significant coordination with other Federal, State and local groups, as well as private citizens, is essential if we are to have the information on water resource quality we need to assess

the effectiveness of our program. Several other Federal agencies such as NOAA and USGS have monitoring capabilities and resources which will be integrated with EPA's water quality focus, particularly in targeted watersheds. Volunteer monitoring can also provide us with important information which can, if quality assured, increase the number of assessed waters in the States.

Construction Grants/SRF: In FY 1993, we will continue our major commitment to accelerate the phaseout of the construction grants program. This includes full implementation of the Agency's construction grants program completion/closeout strategy which was initiated in FY 1991. Our objective is to maintain high quality management of the program and ensure fiscal integrity of the anticipated 4,000 construction grants projects that will still be active at the beginning of FY 1993. We will also support activities with State and local sponsors to correct environmentally sensitive municipal pollution problems in several coastal cities (Boston, New York, Los Angeles, San Diego, Seattle, Baltimore) and Tijuana, Mexico.

All 51 States and Territories have established State Revolving Fund (SRF) programs. In FY 1993, we will continue to capitalize existing SRFs. Through technical assistance we will enable States to assist communities in building new and upgraded POTWs to comply with the Clean Water Act, ensuring the long-term viability of the program .

Tribal Capacity: EPA will meet the challenge of establishing tribal primacy for environmental programs through multi-media and program-specific financial assistance to Tribes. We will encourage and utilize intergovernmental cooperative relationships to leverage available resources such as the cooperative agreements between Tribes and States. The recently executed four-party Memorandum of Understanding among EPA, Bureau of Indian Affairs, Indian Health Service, and Housing and Urban Development allows each agency to jointly undertake and fund specific projects, thus maximizing Federal efforts and complementing Tribal, State and local initiatives.

THEME: INTERNATIONAL LEADERSHIP

The water quality program will support the Promotion of Technology Innovation/Technology Transfer and the Eastern Europe initiatives. Activities to support the Agency's Eastern Europe initiative will include: an expansion of the Technical Exchange program initiated in 1991 to cover additional countries and a larger number of exchange opportunities in Eastern Europe, as well as bringing Eastern Europeans to the U.S. for first-hand observation of treatment facilities and technologies for drinking water and wastewater; an expansion of efforts to introduce

constructed wetlands as a control technology; and technical assistance to address highest priority water quality problems.

Technical and economic analysis capabilities will be improved by activities to develop guidelines for high priority unregulated industries and to update obsolete guidelines. Strengthening the effluent guidelines program will provide important pollution prevention and control technologies which will be available to the many other nations that rely on U.S. guidelines in their own environmental protection programs.

Office of Solid Waste and Emergency Response

FY 1993

OSWER ASSISTANT ADMINISTRATOR'S OVERVIEW

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

ASSISTANT ADMINISTRATOR'S OVERVIEW

INTRODUCTION

The FY 1993 Agency Operating Guidance for the Office of Solid Waste and Emergency Response addresses the solid and hazardous waste programs mandated by the following statutes:

o The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA);

o The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III;

o The Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), including Subtitle C (hazardous waste), Subtitle D (solid waste), Subtitle I (underground storage tanks), and Subtitle J (otherwise known as the Medical Waste Tracking Act of 1988).

o The Oil Pollution Act of 1990 (OPA).

o The Clean Air Act of 1990 (CAA), as it relates to accidental chemical releases; and

o The Hazardous Materials Transportation Uniform Safety Act (HMTUSA), as it relates to EPA activities and support for the Department of Transportation.

In FY 1993 OSWER's programs will continue to address risk-based priorities building upon strategic planning efforts in Headquarters, the Regions and States. The framework for the direction of OSWER's programs is found in our four-year strategic plan, the goals and objectives of which are consistent with the Agency's Strategic Direction. OSWER's FY 1993 budget request is based on the priorities laid out in our strategic plan, on the priority activities and high-risk geographic areas identified by the Regions and States, and on the Agency's themes stemming from the Strategic Direction.

This overview to the Agency Operating Guidance for OSWER highlights our priority objectives and activities for each of OSWER's programs and forms the basis for the more detailed program specific guidance to be issued in the Spring of 1992. This overview also includes the STARS measures we will use to

track progress in meeting our strategic plan's goals and objectives. Some of the RCRA STARS measures are not yet final; OSWER will include final measures with the FY 1993 RCRA Implementation Plan and is providing interested parties opportunities to comment on the measures and their definitions.

OSWER GOALS AND OBJECTIVES

OSWER's long-range strategic plan lays out four key goals for our programs. While OSWER's programs are mandated by a number of statutes and encompass a wide range of wastes and waste management practices, these goals are cross-cutting and address the critical challenges our programs face over the coming years. Our FY 1993 priorities and activities stem directly from the objectives we have laid out for ourselves in order to accomplish these goals.

Goal 1: Minimize the quantity and toxicity of waste created by commercial, industrial and governmental activities. To accomplish this goal we will work to increase source reduction activities by industry and municipalities; to increase the number of markets for secondary materials; to foster effective State source reduction and recycling programs; and, to induce pollution prevention through permit and enforcement activities.

Goal 2: Ensure the environmentally sound management of solid and hazardous waste. Our objectives under this goal are to create a more effective and rational RCRA Subtitle C program; to foster State planning for adequate capacity to safely manage wastes; to ensure the proper management of Subtitle D special, industrial and municipal wastes; to make greater use of innovative technology for site remediation; and, to ensure the long-term effectiveness of response actions under Superfund.

Goal 3: Prevent harmful releases of oil and hazardous substances into the environment. Key objectives to accomplishing this goal are improving release prevention practices and technologies and reducing catastrophic or harmful releases of oil and hazardous substances.

Goal 4: Prepare for and respond in a timely manner to releases of hazardous substances into the environment. To achieve this goal we will better integrate our clean-up programs; improve the identification and remediation of hazardous and petroleum waste sites; enhance State capabilities to clean up hazardous and petroleum waste sites; and, improve the preparedness of Federal, State and local entities to respond to releases of petroleum and hazardous material into the environment.

AGENCY THEMES

OSWER's four goals and the objectives that stem from them form the basis for our FY 1993 waste management activities that contribute to addressing the Agency's themes:

Theme: Pollution prevention. Developing, encouraging and promoting technologies and practices that prevent pollution is key to OSWER's goals of waste minimization and prevention of harmful releases. Most of OSWER's FY 1993 activities have a direct link to pollution prevention - municipal solid waste recycling, accidental release prevention, and eliminating barriers to source reduction - to name a few.

Theme: Geographic targeting of health and ecological risk. In FY 1993 we continue our emphasis on minimizing health and ecological risk by working on highest priority facilities and sites first and on concentrating those efforts in key geographic areas.

Theme: Improve science and data. In FY 1993 we will enhance our use of environmental indicators to track program progress and relate program successes to the public. We and ORD will also further the development of innovative treatment technologies and risk assessment protocols.

Theme: Cross-program integration and multi-media enforcement. We are focusing on integrating our programs within OSWER through our cross-cutting strategic plan and activities thereunder. We are looking at integrated, multi-media solutions to problems through the targeting of specific industries for enforcement and high-risk geographic areas for a variety of actions.

Theme: Education and outreach. We will continue our efforts to educate and enable the public and our various constituencies to fully participate in protecting the environment from the effects of improper waste management. We will begin a pilot environmental extension service to provide education and outreach on waste management.

Theme: International cooperation. OSWER's goals of waste minimization, sound waste management and prevention and response to releases can not be accomplished by focusing solely on domestic activities. OSWER will enhance its international leadership role in these areas in FY 1993.

Theme: Management and infrastructure. Accomplishing our strategic goals and objectives in this time of tight resources <u>demands</u> that we expand our incorporation of TQM principles within

OSWER in FY 1993, both in terms of our human resources and improved management of our programs.

Theme: Strategic implementation of statutory mandates. Statutory and court-ordered deadlines will continue to drive much of OSWER's agenda in FY 1993. We have mapped out a strategy for addressing the greatest risks first and for reforms to our programs that will yield greater efficiencies without compromising environmental protection.

Theme: More reliance on market and economic approaches. We will continue to look for ways to achieve results using market mechanisms and economic incentives, wherever feasible, particularly with regard to fulfilling OSWER's goals of waste minimization and environmentally sound waste management.

Theme: Building State and local capacity. Our long-range goals can only be met through the combined efforts of EPA and State, Tribal and local governments. Accordingly, a number of our objectives, as well as our planned activities for FY 1993, are aimed at enhancing State, Tribal and local capacity for managing our nation's waste. Note: the word "State" in this overview should be read to include Indian Tribes as well.

CROSS-PROGRAM INITIATIVES

OSWER has the lead responsibility for the four cross-program initiatives described below for FY 1993. In addition, OSWER will support a number of other cross-Agency and multi-media initiatives and strategies, such as the ground water strategy.

Initiative: Oil Pollution Act. In FY 1993 we will complete the regulatory framework for OSWER's responsibilities under this Act, review oil storage facility response plans, sponsor new technological approaches to oil spills, and target our expanded enforcement program at the highest risk facilities.

Initiative: Contaminated Media. OSWER is supported by OPPE and OE on this initiative which will begin implementing in FY 1993 a strategy for developing a consistent remedial decision process for contaminated media clean-ups, for accelerating remedial actions, for identifying worst sites first and more flexible use of resources and application of laws.

Initiative: Environmental labeling. OPTS, OPPE and ORD are cooperating with OSWER on this project to establish voluntary guidelines for environmental labeling.

Initiative: RCRA Reauthorization. Most major Headquarters offices and several Regions are participating on work groups to analyze proposed changes to RCRA. In FY 1993 OSWER will provide

increased technical support and analyses to Congressional staff and promote dialogue with affected parties.

PROGRAM HIGHLIGHTS

I. SUPERFUND PROGRAM

In FY 1993 the Superfund program will direct activities in support of OSWER's goals of providing environmentally sound management of wastes, preventing harmful releases and responding to hazardous releases. The specifics of how the Superfund Program will address the OSWER goals derive in large part from the Agency's program to revitalize Superfund, building upon the results and recommendations of several internal reviews of the program.

The elements of the Superfund revitalization program include: consolidating management accountability, using a troubleshooting team to quickly identify and resolve problems, speeding site cleanups and completions, reducing contract management costs, and improving risk-based decision making.

Two FY 1991 studies looked at ways to speed cleanups, evaluate risks and improve contracting. Their recommendations are found in (1) the Superfund 30-Day Task Force Report on Accelerating Superfund Cleanups and Evaluating Risk at Superfund Sites and (2) the Report of the Administrator's Task Force on Implementation of the Superfund Alternative Remedial Contracting Strategy (ARCS). Activities to implement these studies' recommendations and to address the revitalization program's goals are discussed below, followed by other high priority Superfund program initiatives.

Expediting Cleanup

The Superfund 30-Day Task Force Report's lead recommendation is to set firm annual targets for completing cleanup at NPL sites. At the end of FY 1991, the Agency had completed cleanup at 63 NPL sites; the Agency has publicly committed to completing clean up of 130 NPL sites by the end of FY 1992, 200 by the end of FY 1993, and at least 650 by the end of FY 2000. Attainment of these targets is the most crucial Superfund goals for the next few years.

The program will further develop and promote an integrated timeline and Regional project-specific initiatives. As part of developing the timeline, the program will analyze trends in the following key timeframes: RI/FS, ROD to RD/RA negotiations completion, ROD to RD start, and ROD to RA start. The Regional project-specific initiative is an ongoing effort to conduct projects more efficiently and effectively.

In conjunction with these efforts, early in FY 1992, the Superfund Accelerated Cleanup Model (SACM) was introduced as a means for streamling and accelerating site cleanup. The model specifically focuses on reducing the number of risk assessments done for pre-remedial, remedial, and removal phases into a single process. From the site assessment phase, the model emphasizes the use of either the remedial or removal authorities to take early cleanup actions. The model will be piloted during FY 1993.

Contract Management

In FY 1991, the Agency developed a long-term contracting strategy for the Superfund program. This strategy identifies the long-term contracting needs of the program and designs a flexible portfolio of Superfund contracts to meet those needs over the next ten years. During FY 1993, implementation of the strategy will focus on the phase-in of new contracts, most of which are delegated to the Regions. Implementation of the recommendations of the ARCS Task Force study will continue with the goal of reducing program management costs.

Dealing with Worst Sites, Worst Problems First

In FY 1993 the Superfund Site Assessment Program will implement a Site Assessment Four Year Evaluation Strategy requiring all sites designated as **high priority** to be evaluated for inclusion on the NPL within four years of entry into CERCLIS. To identify NPL candidate sites, the Regions will: 1) begin to revise site priorities (with completed site inspections) to determine if further action is warranted; and, 2) implement the revised Hazard Ranking System. In addition, the Regions will continue to perform RCRA preliminary assessments under the Environmental Priorities Initiative (EPI).

All new remedial investigations/feasibility studies (RI/FSs) will be prioritized by the Regions based on risk to ensure that sites entering the RI/FS process represent the worst problems at the worst sites. Regions will focus on the worst problems at all points in the pipeline, and in the event of a potential queue for fund financed construction projects, all such projects will be ranked in accordance with environmental priorities. The Superfund Program will closely monitor sites throughout the remediation process to further our objectives of addressing the worst problems first and maximizing NPL site completions.

Developing Better Integrated Cleanup Programs

Development of better integrated cleanup programs is one of the objectives under OSWER's goal of preparing for and responding to hazardous releases. In FY 1991 and 1992 OSWER took advantage of many opportunities to coordinate key RCRA and CERCLA policies and initiatives, such as the Environmental Priorities Initiative,

joint policy development on lead in soil and DNAPL cleanups, and technical training for staff. Activities in FY 1993 will continue work to integrate cleanup program guidances. The SACM pilot illustrates another effort to integrate cleanup programs by merging Superfund and RCRA site assessments.

Also, in FY 1991 and FY 1992, OSWER participated in activities under the Agency Contaminated Media Cluster to focus regulatory efforts under every Agency program office involving contaminated media, such as soil, debris, and ground water, along a consistent set of principles. Superfund activities in FY 1993 in the Contaminated Media Cluster will focus on OSWER regulations that affect contaminated media, such as Corrective Action and the BDAT standards for contaminated soil, to ensure that they meet contaminated media principles.

Improving Remediation of Hazardous Waste Sites

Another objective in OSWER's strategic plan is to improve the identification and remediation of hazardous waste sites. The Superfund program's first priority at such sites is to reduce near-term risk to public health. In FY 1993 uncontrolled releases at hazardous waste sites will be identified and addressed in a timely manner through site inspections, evaluations, and removal actions (where necessary), focusing on high risk/volume sites. National Priorities List (NPL) sites will be reviewed and evaluated both to determine if immediate threats exist at these sites and to identify opportunities for quick response that may result in immediate risk reductions (either removal or remedial). In order to better implement a program that reacts quickly and effectively in addressing uncontrolled releases of hazardous wastes, the Superfund program will continue to utilize a combination of response actions and enforcement activities which will improve response time as well as recovery of costs.

The National Contingency Plan (NCP) establishes expectations that remedies selected will: 1) treat principal-threat wastes; 2) contain low-level threat wastes; and, 3) restore, where practicable, contaminated ground water to its beneficial use within a reasonable time frame. Several initiatives have been established to ensure that these expectations are consistently met. These initiatives include (1) the establishment in FY 1991 of a risk-management group to resolve issues and establish policy relating to risk management and remedy selection, (2) efforts in FY 1992 to standardize the remedy selection process at similar types of sites (e.g., wood preservers, battery recyclers), and (3) continuing analyses of ground-water extraction/cleanup methodologies. Efforts in all of these initiatives will continue in FY 1993 and ultimately will contribute to the more expeditious and consistent selection of remedies across the country.

In addition, the Superfund program will continue to bring innovative technology and experience to bear on the remedy selection process. Efforts in FY 1993 will facilitate the transfer of treatment technologies.

Ensuring Long-Term Effectiveness of Response Actions

In FY 1993 the Superfund program will again conduct an analysis of RODs issued in FY 1992 to assess improvements in their quality and consistency. In addition, efforts will continue to assure that remedies selected satisfy statutory requirements to utilize permanent solutions and treatment to the maximum extent practicable. FY 1993 efforts will also emphasize five-year reviews of completed Superfund sites to assure that remedies are effective and protective.

OSWER will be conducting a number of activities towards building public confidence and enhancing the public's ability to participate in the Superfund Program. Continued emphasis on and refinement of Superfund environmental indicators is central to this objective. FY 1993 will be the first year that environmental indicators are fully integrated with existing program measures.

Improve Enforcement Techniques to Accelerate Private-Party Cleanup

In support of OSWER's objective to improve site remediations, Superfund's enforcement goals are to:
1) accelerate the use of CERCLA and SARA authorities to expedite Potential Responsible Party (PRP) settlements and site cleanups;
2) continue to set aggressive PRP lead cleanup targets;
3) identify and elevate EPA/DOJ and EPA/State issues causing site specific cleanup delays; 4) communicate Superfund enforcement program successes and accomplishments; and, 5) improve cost recovery case selection and claim resolution to maximize reimbursement of monies to the Trust Fund. We will also increase our use of mediation and alternative dispute resolution.

Regions will use "Enforcement Smart" tools and techniques to obtain judicial and administrative settlements. These tools and techniques include: settlements for RD/RA, mixed funding settlements, de minimis settlements, administrative orders (UAOs and AOCs), and referrals to the Department of Justice (DOJ) of Section 107 cases, penalty cases, treble damage cases, and non-settlor/non-complier cases. Accelerated CERCLA enforcement will necessitate greater interagency (EPA/DOJ) coordination, and greater intra-Agency (OWPE/OE/OERR/OGC/ORC) cooperation. Regions are urged to quicken the pace of cleanups at PRP lead sites (e.g., by encouraging remedial design starts prior to entry of consent decrees) and to continue vigilant oversight of PRP work.

Enhancing State Capabilities to Cleanup Hazardous Waste Sites

In FY 1992 the Superfund program began an evaluation of the CORE grants to States to develop State Superfund capabilities. The evaluation will result in recommendations in FY 1993 on future funding of State Superfund programs, a key component of OSWER's efforts to build State and local capacity.

Also, the Superfund program supports development of Comprehensive State Groundwater Protection Plans, as recommended in the Agency's 1990 Groundwater Task Force Report. Core program cooperative agreements may enable Regional Offices to fund appropriate tasks in interested States. Examples might include: development of groundwater sampling protocols and design of risk assessment criteria and procedures.

II. OIL POLLUTION PREVENTION PROGRAM

OSWER's Oil Pollution Prevention Program will conduct activities in FY 1993 in support of our strategic plan goals of preventing harmful releases and preparing for and responding to releases of petroleum. Activities will focus on implementing the Oil Pollution Act (OPA) of 1990 and strengthening our oil pollution prevention efforts.

Implementing the Oil Pollution Act

In FY 1993 OSWER will focus on several of the OPA's requirements, including developing guidance for the review and approval of Facility Response Plans and expanding EPA's response activities in oil spills. The guidance is needed so that EPA may address the OPA's requirement to approve by February 1995 response plans for all oil storage facilities which pose a threat of "significant and substantial" harm to the environment. OSWER will also work with the Regions to develop risk-based decision criteria for a range of EPA responses (from consulting to directing) to oil spills.

Strengthening Oil Pollution Prevention

In FY 1993 OSWER will continue to work with the Regions and OE to decrease the environmental damage caused by oil spills. We will expand our activities to prevent oil spills by increasing the numbers of inspections and targeting these at the highest risk facilities. Where inspections disclose violations, enforcement actions will be taken in an effort to prevent problems before they occur.

OSWER will also support the Regions in planning and conducting responses to oil spills and enforcement actions, with

a goal of minimizing pollution and subsequent environmental damage. We will evaluate the Agency response to spills, including the issuance of removal orders, to determine the most appropriate response to spills of varying severity. OSWER will additionally work to improve the science of oil spill response through our efforts with other EPA offices and industry groups to sponsor new technologies including bioremediation.

III. RCRA SOLID AND HAZARDOUS WASTE PROGRAM

In FY 1993 the RCRA program will support OSWER's goals of waste minimization, environmentally sound waste management, and proper response to releases. The hazardous waste program will focus resources on high priority facilities and activities, implementing the Strategic Management Framework established in FY 1992. The solid waste program will work with States and Tribes to implement the new landfill requirements and take other steps to properly manage our solid wastes.

Reporting on Environmental Progress

During FY 1993, OSWER will collect and report on environmental indicators which measure the RCRA program's environmental progress. Indicators dealing with hazardous waste will be collected primarily through the RCRIS and Biennial Report national data systems for the major RCRA categories of waste minimization, sound management and corrective action. Indicators dealing with municipal solid waste will come from periodic surveys. Such indicators also can serve as a vehicle to improved program accountability.

Indian Lands

The Office of Solid Waste's Indian Strategy has three objectives: (1) to assist Tribes in safely managing solid and hazardous waste; (2) to promote Tribal capability; and (3) to enhance EPA's RCRA presence on Indian lands by leveraging resources with other Federal agencies having responsibilities in Indian lands. In FY 1993, we will continue to emphasize communication, technical assistance, regulatory development, and training.

A. RCRA SUBTITLE C HAZARDOUS WASTE PROGRAM

Environmental Priorities under the Strategic Management Framework

In FY 1992, Regions and States should have completed the environmental priority rankings for all RCRA facilities. In FY 1993 they will complete the transition begun in FY 1992 to focus resources and activities on environmental priorities.

Our permit and corrective action programs will continue to emphasize two major activity themes in FY 1993. The first is demonstrating progress in issuing post-closure and operating permits. By the beginning of FY 1993, Regions and States should have a clear understanding of environmental priorities among facilities requiring post closure permits and a strategy for addressing them most effectively. We will also emphasize the need to demonstrate progress for the entire RCRA facility universe in completing permitting and closure activities that will yield the greatest environmental results. In particular, Regions and States should have a strategy for addressing interim status boilers and industrial furnaces. New facility permitting and permit modifications that fill capacity shortfalls identified in State capacity assurance plans are also important considerations in setting permit priorities.

The second activity theme is achieving timely risk reduction at the greatest number of facilities through focused corrective action. Continued emphasis on stabilization activities is key to these efforts. We will continue to focus in FY 1993 on evaluating high priority facilities for stabilization opportunities and implementing stabilization measures. We will begin to monitor risk reduction at facilities as a result of stabilization efforts. At the same time, we will highlight the need to ensure timely progress in moving facilities that remain high priority after stabilization through the corrective action process.

Comprehensive State Groundwater Protection Plans will be a strong tool for defining environmental priorities in the RCRA program. Certain Subtitle C activities may be integrated into the development of State assessments of their overall groundwater protection programs. Examples include developing State groundwater protection and remediation capabilities, and data collection on groundwater quality and facility specific groundwater impacts. In addition, to better support the establishment of State Groundwater Protection Programs, OSW will seek to strengthen coordination of and consistency among the many groundwater related programs and initiatives of EPA and other Federal agencies, States, Tribes, Territories and local governments.

Compliance Monitoring and Enforcement

In FY 1993, we will continue to implement the RCRA Implementation Study recommendations for an effective RCRA enforcement program that detects violations, compels their correction, ensures that compliance is achieved in a timely manner, and deters other violations. The program will continue to focus on obtaining voluntary compliance by ensuring that the regulated community perceives a greater risk and cost in violating a requirement than in complying with it.

We will accomplish these goals by: 1) providing a flexible process for Regions and States to tailor their national enforcement priorities to achieve the greatest environmental benefit; 2) maintaining an inspection program that maximizes awareness and deterrence through continued presence at TSDFs and an increased presence at generators, transporters and waste "brokers", and places increased emphasis on detecting non-notifiers and others who have escaped the RCRA system; 3) providing timely and appropriate enforcement responses that achieve deterrence; 4) strategically targeting enforcement actions, seeking higher penalties, effectively publicizing enforcement actions, utilizing innovative enforcement techniques such as permit suspension/revocation, participating in multi-media enforcement efforts and incorporating pollution prevention into enforcement settlements (see also below).
We will also enhance the compliance monitoring and enforcement capability of States through expanded and innovative training.

Accountability

The Strategic Management Framework and the flexible enforcement process provide Regions and States considerable latitude to determine how best to address environmental priorities and achieve environmental results. However, accountability must accompany flexibility. The RCRA program must provide an accounting of choices and results, both in terms of quality and numbers of activities. In FY 93 the number of STARS targets and report measures has been significantly reduced. As a result, in addition to STARS, the RCRA Program will rely increasingly on environmental indicators and other select performance measures to enable us to gauge progress while supporting flexibility. Ensuring the quality of data in RCRIS is critical to accounting of our activities.

Enhanced Federal/State Relationship

In FY 1993 we will reinforce our commitment to authorization of State programs and otherwise enhance the EPA/State relationship through: tailored EPA/State work sharing that uses Federal and State resources most effectively; State capability enhancement; and, a results-based approach to assessing State implementation, consistent with strategic management accountability mechanisms.

Pollution Prevention/Waste Minimization

Our goal for FY 1993 and beyond is to fully integrate waste minimization into the RCRA program both through regulatory and non-regulatory opportunities. The RCRA Waste Minimization Action Plan highlights a number of specific activities. Enforcement components include: enforcing the Biennial Report requirement to certify waste reduction; identifying the role of RCRA inspectors

in pollution prevention; and enforcing HSWA requirements that each RCRA hazardous waste generator and facility owner/operator must certify that it has a waste minimization program. In addition, we will incorporate pollution prevention strategies into permit provisions and enforcement case settlements.

The Agency will also pursue regulatory opportunities to incorporate waste minimization into the listing and Best Demonstrated Available Technologies for fourteen newly listed wastes. In FY 1993 we will increase emphasis on outreach and education programs, innovative technology development, and information transfer and exchange.

SARA Capacity Assurance Plans

Capacity assurances will be due in FY 1994. In FY 1993, States will describe their current and projected waste management systems, including waste minimization, and continue to develop interstate agreements.

B. RCRA SUBTITLE D SOLID WASTE PROGRAM

Development and approval of State/Tribal Municipal Solid Waste (MSW) landfill permit programs and implementation of the revised criteria for municipal solid waste landfills (40 CFR Part 258) remain the first priorities for FY 1993. EPA promulgated the revised landfill criteria on October 1, 1991. In Spring 1992, EPA will propose the State/Tribal Implementation Rule (STIR). The STIR establishes the criteria and procedures for program approval. To ensure effective implementation of these rules, OSWER will develop and issue outreach materials, conduct a series of training seminars on both the criteria, and provide technical assistance. Although a Federal permit program will not be established, EPA has the authority to enforce the criteria in States/Tribes whose MSW landfill permit programs are determined to be inadequate to ensure compliance with Part 258.

While development and approval of State/Tribal MSW landfill permit programs remain the highest priority for FY 1993, EPA also will focus its efforts on source reduction activities and enhancing markets for recyclables. Finally, EPA will continue to enhance the communication network established in the municipal and industrial solid waste program. The network is designed to facilitate information exchange among all participants, including Headquarters, Regions, States, Tribes, local governments, business/industry, and the public. This has been an extremely effective way of ensuring input from all sectors, identifying program needs, transferring new technologies and methodologies, and promoting the goals of the municipal and industrial solid waste program.

IV. RCRA SUBTITLE I, UNDERGROUND STORAGE TANKS

As in previous years, the Underground Storage Tank (UST) program will continue to rely on State and local implementation of the national underground storage tank program to meet OSWER's goals of preventing harmful releases and prompt response to releases. The emphasis of EPA's program implementation is on the long-term, and on the continuing growth and improvement of State and local programs. Major UST activities for FY 1993 are as follows:

Develop and Approve State UST Regulatory Programs

The UST program's long-term goal is for all States to have effective programs that prevent and remediate releases from USTs and are approved to operate in lieu of the Federal program. The UST program will continue to build State capacity by working with the States to develop applications for program approval. In those States without approved programs, we will emphasize building basic program capability and making progress toward approval while promoting compliance with Federal regulatory requirements. In States that have approved programs, the focus will be on improving program performance.

Focus on Compliance and Enforcement Requirements

Over the next several years, the UST program will increase efforts in all areas of prevention for petroleum tank releases. During FY 1993 the phase-in of release detection requirements will begin to apply to all tanks installed prior to 1980, and the UST program will continue to use these requirements as the focus for developing strong State compliance and enforcement programs. For FY 1994-98, the UST program will expand and increase pollution prevention efforts in a number of areas including proper installations and closures and meeting upgrade requirements.

EPA will support States in identifying and adopting tools such as field citations and self-certification programs, enhancing the effectiveness of compliance and enforcement efforts. As an interim step toward the long-term goal of building strong State, local and Tribal programs, EPA will continue some direct compliance and enforcement efforts, particularly on Indian lands or for portions of the regulations not fully implemented by the States. Our assistance and direct enforcement efforts will target health and ecological risks by focusing on geographic areas of vulnerable groundwater and on States with large tank populations and low compliance and enforcement activity.

Improve the Quality of Corrective Actions

In FY 1993 EPA will emphasize quicker starts for petroleum UST remediations, applying more effective and less expensive technologies, and reducing conflict between regulators and industry. EPA will expand the use of total quality management (TQM) techniques in our work with States, local governments, Tribes and industry groups to reduce delays and backlogs in the clean-up programs through process streamlining, and we will make available training, demonstration and performance information on new technologies and methods.

Cross-Program Initiatives

In support of the Agency's policy of better integrating groundwater protection efforts at the State level, during FY 1993 OUST will encourage coordination of State UST program activities with State groundwater protection programs. A primary goal of this effort is to achieve more efficient and effective use of resources by avoiding duplication of effort and identifying common information needs. The UST program will continue its many activities aimed toward achieving greater protection of the nation's groundwater resources. Among these activities are maintaining inventories of potential sources of contamination from UST's, and work in the priority areas described above. It should be noted that, by statute, in pursuing any coordinated activities, monies from the Leaking Underground Storage Tank Trust Fund may be used only for enforcement, corrective action and necessary administrative expenses related to known or suspected releases from underground petroleum storage tanks.

During FY 1993 the UST program will also continue its active involvement in Agency efforts to address problems associated with contaminated media, particularly through the Agency-wide Contaminated Media Cluster.

V. CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION

Two of OSWER's goals are to prevent harmful releases of oil and hazardous substances and to prepare for and respond quickly to those releases which do occur. To these ends, OSWER will continue to provide technical assistance, guidance, training and computer application for hazard analysis and emergency planning. The activities of our Chemical Emergency Preparedness and Prevention (CEPP) program are geared toward building State and local capacity while preparing groups to receive planning-related information generated as a result of the Clean Air Act Amendments, the Oil Pollution Act and the Hazardous Materials Transportation Uniform Safety Act (HMTUSA). In particular, the

CEPP program will emphasize and focus program activities in areas of high risk for chemical accidents.

In FY 1993 EPA will place increased emphasis on Community Right to Know activities such as public awareness, public participation in local emergency planning committees (LEPCs), and local uses of Title III data in addition to emergency planning (e.g., prevention, risk reduction, zoning). The CEPP program will also support DOT's emergency planning and training grants to States under the HMTUSA. In addition, CEPP plays an important role internationally in dealing with chemical emergencies.

During FY 1993 CEPP will focus on the following activities:

Determine the Causes of Chemical Accidents and Prevention

The CEPP program will strive both to determine the causes of chemical accidents and to seek public consensus on how they can best be prevented. Improving science and data, increasing public education and empowering State, local and Tribal agencies are key to achieving success in these endeavors. The Chemical Accident Prevention (CAP) Advisory Committee will identify information gaps, success measures, needed guidance, means of information transfer and incentives. CEPP will aim education efforts at communicating information on inspection methodologies, hazard assessment techniques and releases. We will assist emergency planning officials at the State, local and Tribal levels in risk reduction discussions with industry.

Develop State Programs for Section 112(r) of the Clean Air Act

As work progresses on regulations and guidance for the chemical accident prevention provisions of the Clean Air Act, CEPPO will work closely with the Regions and States to develop lines of communication, legislative authority and State programs to implement these provisions. OSWER's long-term goal is effective implementation of these regulations in all States, thereby reducing the number and severity of accidental releases of hazardous substances.

International and Outreach Role

The chemical emergency, prevention and preparedness program plays a key role in enhancing the Agency's international leadership efforts. We will improve our abilities to provide international assistance as we continue to share information on prevention, preparedness and response with other countries, working with multi-national organizations such as the U.N. Environment Program and the OECD. We will continue our bilateral efforts as well, especially with Mexico and Canada.

Special Preparedness Program

OSWER will continue to coordinate the Agency's response to significant emergencies internally through the National Incident Coordination Team or the Emergency Preparedness Advisory Committee, and externally through the National Response Team and inter-agency forums. CEPPO has major responsibility for implementing the hazardous material annex of the Federal Response Plan. Also, the staff continues to manage the Agency's Emergency Operations Center.

Compliance and Enforcement Activities

The CEPP program supports Local Emergency Planning Committees (LEPCs) and State Emergency Response Commissions (SERCs) in developing the tools necessary to identify facilities not in compliance with SARA Title III. Using various targetting techniques, we will assist the SERCs and LEPCs with compliance sweeps and conduct other activities to increase compliance and conduct enforcement.

Office of Prevention, Pesticides, and Toxic Substances

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

FY 1993 OPERATING GUIDANCE

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FY 1993 Prevention, Pesticides and Toxic Substances Operating Guidance

Assistant Administrator's Overview

A. Introduction

The FY 1993 operating guidance is intended to build on Agency-wide discussions that were held at the FY 1993 Baltimore planning meeting. This guidance provides general program direction to EPA, States and Tribes in carrying out programs under the following statutes: Toxic Substances Control Act (TSCA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1988), Emergency Planning and Community Right-To-Know Act (EPCRA), Asbestos Hazard Emergency Response Act (AHERA), Asbestos School Hazard Abatement Act (ASHAA), Asbestos Information Act (AIA), and Federal Food, Drug, and Cosmetic Act (FFDCA). The pesticides and toxics programs also implement programs authorized under other statutes to protect ground water and endangered species.

This guidance outlines the FY 1993 major management themes, field implementation priorities including enforcement and compliance monitoring, and the FY 1993 program priorities that support the pesticide and toxic 4-year strategic plans. OPPTS STARS measures and environmental indicators are attached.

OPPTS is in the initial stages of developing a process by which HQ and Regional Offices will prepare and enter into individual Memorandums of Agreement (MOA). The intended purpose of the HQ-Regional MOA is to provide the opportunity for HQ and the Regional Offices to work together to shape Regional programs. The goal is to fully utilize available resources to address regional and national priorities to the fullest extent possible. The spirit of this effort is one of improving HQ-Regional teamwork, not increasing HQ centralized control over regional programs. HQ and Regions recognize that the growing demand on regional resources to meet an ever increasing array of priorities and the most effective use of existing resources.

Guidelines for the development of these agreements have been discussed by senior management from Headquarters and the Regions. OPPTS anticipates that the MOAs, when complete, will provide a clearer and more defined operating guidance for each region. This current operating guidance document has an uncertain future, but for FY 1993 it remains important as a baseline for establishing the MOAs. Further prioritization across OPPTS priorities is expected in late spring, to early summer. Measurement and accountability systems will be incorporated in the MOA process with some minor changes anticipated.

Special Note: Since the Agency's operating guidance format has been changed to a more general, less program specific document, comments (other than editorial comments) received from Regions, States, Tribes, and other EPA program offices will be addressed in the following manner. 1) STARS Comments -- OPPTS has a formal review process each spring and summer which includes discussions and recommendations for improvements on each OPPTS measure. STARS comments on the Agency Operating Guidance (AOG) are addressed during this process. 2) Program Specific Comments -- OPPTS has consolidated cooperative agreement guidance for pesticides and toxics field implementation. Program specific comments are addressed in the development of both of these guidance documents during the winter, with final guidance documents issued in March each year for the upcoming year.

B. Management Themes

The following management principles, and FY 1993 budget themes, will guide the FY 1993 Prevention, Pesticides and Toxics Program.

1. Regional/State/Tribal Capacity Building

Implementation of the major pesticides and toxics program is dependent on effective, decentralized field delivery systems. To get where we want to be requires new, dynamic roles for the Regions and States. In order to accomplish this, we need to continue a dramatic enhancement of Region, State and Tribal capabilities. With Regional technical assistance and oversight, we are strongly encouraging the States to take on the following major tasks and Tribes to begin to become involved in these areas: 1) develop and implement tailored, site-specific management plans for ground water and endangered species; 2) assume responsibilities for pesticide worker protection, asbestos abatement, PCB disposal, food safety, and pesticide container disposal; 3) assist the States in expanding the use of TRI data in local risk reduction decision-making as well as expand data quality enforcement; 4) develop and implement new and expanded State enforcement authorities and enhance traditional inspection and compliance monitoring efforts; and 5) promote multi-media activities, and pollution prevention/toxic use reduction initiatives. To effectively accomplish these tasks, technical assistance and additional resources will continue to be necessary for Regions, States, and Tribes.

2. Enhanced Enforcement

A focused and coordinated compliance monitoring and enforcement effort is critical for successful implementation of the pesticides and toxic substances programs. OPPTS' compliance program has developed its strategy in tandem with the strategy of the Office of Enforcement (OE). Successful implementation of the strategy will require more coordination between Headquarters,

Regions, and States and Tribes to incorporate better targeting and screening for violations based on risk and to implement appropriate enforcement responses across environmental media lines. Highlights of OPPTS' FY 1993 compliance program vis-a-vis the OE strategic plan are as follows:

- Targeting for maximum environmental results. The food safety enforcement initiative will focus on targeting pesticide enforcement activities toward food-use chemicals. The Laboratory Data Integrity program will track compliance with all data submission requirements and target inspections to ensure that data is developed pursuant to the Good Laboratory Practice (GLP) regulations.

  The EPCRA Toxics Release Inventory (TRI) data base will continue to mature as part of the enforcement program. TRI will begin to target false reporting, late reporting, and data quality issues while maintaining base enforcement capability against non-reporters. This initiative will increase the integrity of the chemical emissions data.

  OCM is screening TSCA cases based on their multi-media applicability. In this way OCM can effect greater source reduction across media through the incorporation of pollution prevention measures into case settlements.

- Creative use of environmental authorities. The EPCRA enforcement initiative will support the use of the EPCRA data in order to incorporate pollution prevention measures into case settlements.

  The penalty policies are being revised to be more flexible and to facilitate the incorporation of Environmentally Beneficial Expenditures (EBE) in case settlements. The EBEs will also be analyzed as part of a process to establish a more standard approach to formulating EBEs. Such a standard will increase the effectiveness of EBEs as a means to settle cases and reduce pollution sources while maintaining national uniformity.

  The pesticides in groundwater enforcement initiative will require enhanced compliance monitoring as states develop groundwater management plans to ensure adequate enforcement. The Agency will provide guidance in the development of localized enforcement strategies to protect groundwater from pesticide contamination.

- Improving EPA relationships with other governmental units. The Food Safety initiative will establish programs of cooperation with USDA and FDA to promote effective, efficient, and coordinated Federal regulatory activities. Cooperation between these agencies through the exchange of information and

coordinated inspections and enforcement actions is important to enhance targeting and tracking systems to specifically identify food use chemicals. The TSCA decentralization initiative, begun in FY 1990, will continue to encourage states to develop comprehensive and expanded TSCA legislative authorities that would allow states to assume a wide range of TSCA enforcement responsibilities, including case development and multi-chemical control.

To ensure the development of state capacity to administer pesticide container disposal, worker protection, and pesticides in groundwater enforcement programs, the Agency requires the development of extensive interaction among Headquarters, Regions, and states. The development of this interaction will continue in FY 1993 through guidance, training, and outreach programs.

- Improving the infrastructure/training. Inspector training materials will be developed for the new pesticide container disposal program. This training will provide the knowledge base on which inspectors can effectively monitor compliance.

  The TSCA decentralization initiative is specifically designed to enhance State infrastructures for TSCA enforcement by encouraging States to develop comprehensive authorities. The multi-media program will provide for a more responsive and flexible enforcement workforce through cross-media training and deployment. The EPCRA TRI enforcement program will build an appropriate infrastructure where only a skeleton exists currently.

- Federal facilities. Where appropriate, OPPTS will include Federal facilities in its FY 1993 enforcement activities.

3. Pollution Prevention/Risk Reduction

While other EPA programs focus primarily on end of pipe controls or on cleanup of pollutants already disposed of in the environment, OPPTS' programs focus primarily on preventing risks through front-end controls on pesticide and toxic chemical use. The three components of our toxic chemical use controls are: 1) preventing risky chemicals from entering commerce and encouraging safer substitutes through our new chemicals programs; 2) developing and making available adequate data to assess risks and taking appropriate action to remove risky chemicals from commerce through our existing chemicals programs; and 3) enhancing risk reduction in the field by building Regional and State and tribal programs, providing technical assistance, and providing a credible enforcement presence. Enforcement outreach and technical assistance promoting pollution prevention includes encouraging broader participation by industry and the public in activities designed to change production use and recycling habits and working

with violators to expand their environmental programs.

As a unifying force to OPPTS' pollution prevention efforts, the Agency's Pollution Prevention Strategy will tie together a number of ongoing OPPTS activities, such as greater dissemination and utilization of TRI data; outreach and training to States, Tribes, industry and the public; incentives to States and Tribes through grants to enhance pollution prevention activities; and the institutionalization of pollution prevention in EPA's regulatory, permitting and enforcement activities. A major component of OPPTS' pollution prevention strategy is the 33/50 Program. This is a voluntary pollution prevention program targeting 17 TRI (EPCRA section 313) chemicals for reductions in environmental releases by participating companies. The goal is a 33 percent reduction of emissions by the end of 1992 and a 50 percent reduction by 1995. OPPTS has a leadership role in coordinating this activity which includes the development of the implementation plan and working with the Regions to carry it out. This activity helps to integrate pollution prevention into OPPTS' ongoing chemical assessment and management activities.

The OPPTS-EPCRA programs in Headquarters and the Regions include several significant pollution prevention initiatives. The EPCRA program will play a major role in the implementation of both the Pollution Prevention Act and amendments to the Clean Air Act. Implementation of the Pollution Prevention Act calls for the collection of much more detailed in-plant data on activities in data integration and pollution prevention with respect to the TRI database. OPPTS has gained critical experience in providing public access to chemical information, and we believe there are substantial pollution prevention benefits to be gained by linking this experience with both the expanded TRI database and with the chemical knowledge and expertise OPPTS has. OPPTS will seek to develop the tools to allow the public access to chemical information and the ability to use that information effectively.

Under the Pollution Prevention Act of 1990, OPPTS will be gathering data that will highlight whether part of a facility's TRI chemical releases are due to catastrophic circumstances. OPPTS will use its TRI database in coordination with OSWER to identify potential problem locations and chemicals in implementing a catastrophic releases initiative. This initiative will support provisions of the Clean Air Act Amendments that place new emphasis on emergency preparedness and prevention of accidental releases. OPPTS will crosswalk TRI data with other data on the presence and releases of hazardous substances maintained by OSWER and by state officials. OPPTS will provide technical assistance by identifying chemicals of concern and supporting technology transfer and risk management through conventional regulatory approaches.

An important component of the Agency's pollution prevention initiative is the promotion of state pollution prevention programs

through the funding of state demonstration grants. These demonstration programs will provide innovative pollution prevention applications for specific industries, geographic environments, or pollutants that are transferable to states and localities. Grants will be targeted to specific sectors or areas with high potential for risk reduction, and for significant gains in pollution prevention.

OPPTS' "set-aside projects" are pollution prevention projects involving virtually every program in a broad array of pollution prevention approaches. Potential projects include: (1) implementing pollution prevention sectoral strategies, (2) supporting pollution prevention initiatives identified by HQ program offices, (3) supporting regional prevention activities.

OPPTS will also support the Agency efforts to reduce pollution caused by use of high risk pesticides in the agricultural sector, thereby reducing environmental risk. One of the methods by which the Agency is seeking to reduce pollution in the agricultural sector is by providing leadership in the nation's science, research, and assessment efforts, prohibiting or restricting agricultural use of unreasonably risky pesticides and encouraging the registration of safer alternatives.

OPPTS will coordinate with ORD, OPPE, and USDA in our efforts to reduce pollution in the agricultural sector. ORD, OPPE, and OPPTS are cooperating with USDA in the implementation of environmental changes in the 1990 Farm Bill, on research for environmentally responsible agricultural production practices.

4. Environmental Indicators and STARS Measure Development

OPPTS has formed workgroups to develop improved output measures for the pesticides program for environmental problem areas emphasized in our 4-year strategic plan. Preliminary workgroup efforts yielded usage data information and toxicity ranking factors for chemicals most frequently used on seven major crops. In addition, OPPTS has a formal environmental measure review process each spring and summer. Key staff and managers from the Regions and Headquarters form the review team. The results of the review are incorporated in the OPPTS measures for each upcoming fiscal year. The toxics program measures were substantially revised in FY 1992 to provide improved measures of environmental success.

Our investigation of potential indicators continues, and those with the most promise will be pilot-tested with the goal of identifying meaningful STARS measures or surrogates that are more indicative of our environmental successes. We anticipate that our best candidates will not be ready until late FY 1992 or beyond. Progress on these indicators are reported in the Agency's Action Tracking System (ATS).

5. International Leadership

Increasingly, pesticide and chemical production, testing, use, and regulation affect and are affected by actions taken internationally by one or more countries or international organizations. Our international activities are an integral part of our pesticide and toxic programs. We have several opportunities in OPPTS to apply our scientific expertise to international environmental issues. OPPTS will contribute to the Agency's emphasis on international cooperation by exporting the TRI program concepts and data to support other countries' pollution prevention and risk reduction programs, and working towards international consensus on responses to specific chemicals or chemical classes. International agreements on testing, development of standards, and hazard assessment will contribute to our domestic pollution prevention and risk reduction goals, and provide world-wide health and environmental benefits.

6. Indian Programs

FIFRA authorizes EPA to enter into cooperative agreements with Indian Tribes to ensure compliance with FIFRA on Tribal Lands and support certification and training of Tribal pesticide applicators. The use of this authority is essential if we are to manage potential risks from pesticides to people and the environment on Tribal Lands. OPPTS has implemented this authority through use of compliance and certification cooperative agreements in EPA Regions V, VII, VIII, IX and X. The types of activities implemented under these agreements are the same as those addressed under State cooperative agreements.

In order to strengthen implementation of Tribal cooperative agreements, Tribal pesticide workshops have been coordinated by both Headquarters and Regional representatives. These workshops also serve an important outreach role to Tribes that do not presently have pesticides cooperative agreements. Coordination of Tribal activities and discussion of Tribal concerns will continue to be emphasized in the future to further the benefits received from Tribal cooperative agreements.

The Asbestos Program also coordinates their implementation of ASHAA and AHERA with the Bureau of Indian Affairs. In this way Tribes are assured of notification of asbestos loan and grant opportunities as well as statutory and regulatory requirements and deadlines.

Under the EPCRA program, tribal emergency planning and community right-to-know training continues. Tribes are encouraged to participate in §313 grant programs and training sessions. OPPTS continues to gather information on the status of §313 facilities on tribal lands in order to better target our resources. Technical assistance continues to be provided as needed on FIFRA, TSCA and

EPCRA. OPPTS is always looking for alternative ways to improve its Indian program communications and program focus. A study completed in FY 1989 will assist in this effort.

7. Antimicrobial Compliance

A disinfectant testing program was initiated in December, 1990, both under the direction of the Compliance Division, OCM and the Registration Division, OPP.

The EPA, FDA, states and laboratories are proceeding with performing chemical efficacy analysis on currently registered antimicrobials. Enforcement actions will be coordinated with FDA and FTC for those products that do not meet the registration standards of 40 C.F.R. Part 158. In addition, the regions and State Lead Agencies under the FIFRA Cooperative Agreements will assist Headquarters in the compliance and enforcement efforts of this initiative.

8. Pesticide Exports

In FY 1993, OPPTS will mount an aggressive program to monitor compliance with the FIFRA Pesticide Export Policy which will have been issued by EPA in FY 1992. The focus of the compliance program will be exporters who are not complying with the labeling requirements for all exported pesticides and the purchaser acknowledgement requirements for unregistered pesticides.

C. Field Implementation Priorities

In FY 1993 the pesticides and toxics field programs will focus on the following environmental problem areas:

1. Asbestos Abatement: In FY 1993, we expect to extend accreditation to workers in public and commercial buildings, increase training laws, and revise the agency's model accreditation plan, as required by the ASHAA reauthorization bill. The enforcement efforts will focus on the overall coordination of asbestos activities.

2. EPCRA - §313: In FY 1993, promoting the use of the TRI data will be a major goal of this program. We will work to encourage the use of the data at the Federal, State, Tribal, and local levels to support pollution prevention efforts. Section 313 compliance assistance and enforcement efforts will continue to focus on non-reporter compliance while expanding efforts to seek late reporter and data quality compliance.

3. Polychlorinated Biphenyls (PCBs): In FY 1993, the Toxics Program will continue to review and issue PCB disposal approvals for mobile disposal facilities and high volume Research and Development (R&D) projects, implement the notification and

manifesting rule, provide technical and policy support to the Regions and operate a clearinghouse for PCB disposal activities. Work continues on the PCB disposal amendments, as we move towards promulgation of these amendments in FY 1993. PCB compliance assistance and enforcement priorities in FY 1993 will continue to focus on the compliance of permitted disposal sites, intermediate handlers and brokers.

4. Lead Strategy: OPPTS will expand the lead risk management program to the Regions. The lead strategy requires a principle focus for implementation at the local level. The Regional offices will play leading roles in identifying and responding to geographic hot spots of lead exposure, implementing public awareness and education programs, and encouraging and implementing environmentally sound recycling programs.

5. 33/50 - Toxics Use Reduction: The 33/50 program fosters voluntary industry pollution prevention efforts to realize a 33% emissions reduction in 17 specified chemicals by 1992 and a 50% reduction by 1995. The Regions are particularly important (1) in working closely with industries within their jurisdictions, (2) in developing state toxic-use reduction program linkages, and (3) advancing pollution prevention activities in general, each based in this instance, on encouraging the 33/50 program. This program was developed at a national level in order to demonstrate its importance; however, full implementation on a broader scale requires regional resources. The cooperative and voluntary nature of the pollution prevention approach used in the 33/50 Program will serve as a model for the development of Regional implementation strategies for reducing the risks of other chemical emissions.

6. Multi-Media: Where appropriate, OPPTS programs will support the Agency's Multi-media Enforcement theme by supporting appropriate use of multi-media inspections and cases and by participating in and supporting the FY 1993 multi-media initiatives and case cluster efforts endorsed by the Agency's Enforcement Management Council (EMC) (e.g., noncompliant industry groups, Mexican Border, compliance data quality, and Federal facilities.)

The TSCA multi-media initiative would continue a program begun in FY 1991 to develop structures at the Federal and State levels for enhancing administrative, civil, and criminal enforcement within and across media by developing improved screening capabilities for data, information, and evidence of violations. If the Agency determines that a state has not developed an enforcement program for the container disposal provisions of FIFRA by December, 1993, that state's primacy to enforce pesticide use violations could be revoked, thus requiring direct Federal pesticide use enforcement activities. OPPTS will endeavor to assure that state programs meet the statutory standard by the deadline.

7. Other Toxic Substances Enforcement Priorities (§§4, 5, 8, 12,

13 and Hexavalent Chromium): The TSCA 5 and 8 program in FY 1993 will continue to control entry and obtain information on toxic chemicals by reviewing premanufacturing notifications (PMN), by identifying chemicals subject to Significant New Use Rules (SNURs), and by biotechnology. Regions will continue to enforce TSCA §§5 and 8 as efforts are made to address the increasing complexity of technical data submitted under these regulations. Regional staff will be trained to effectively conduct new chemical assessment inspections and to analyze the complex data in support of case development. The TSCA §4 program will require companies to conduct tests of chemical substances. The §12 program will enforce rules regarding the export of toxic substances, and §13 program will enforce rules regarding import of toxic substances. An Enforcement Response Policy for hexavalent chromium will be issued in FY 1992. In FY 1993, hexavalent chromium compliance activities will be conducted at the Regional level.

8. Groundwater Protection: In FY 1993, the program will continue to address concerns regarding pesticides and groundwater. Phase I and Phase II of the National Pesticides Survey, released in FY 1991 and FY 1992 respectively, will assist the Agency in evaluating the extent of pesticides in community and rural domestic drinking water wells.

In FY 1992, EPA issued the "Pesticides and Ground-Water Strategy" which emphasizes preventing contamination, and gives the States a primary role in tailoring programs to local conditions to prevent adverse effects to human health and the environment. The "Pesticides and Ground-Water Strategy" carries out the principles outlined in the document released in FY91, "Protecting the Nation's Ground Water: EPA's Strategy for the 1990's" which presents the Agency-wide philosophy of pollution prevention and EPA's intention to support the States in efforts to integrate a full range of ground water protection activities. Implementation of the Pesticides and Groundwater Strategy and development of strong State and appropriate Tribal ground water protection programs through participation in the Comprehensive State Ground Water Protection Program will be important goals in FY 1993. These efforts will be closely coordinated with the Office of Water.

In FY 93, States, Territories, and Tribes receiving FIFRA 6ground-water protection grants should strive to coordinate activities to protect ground water from pesticide contamination with all involved agencies in support of comprehensive groundwater protection programs.

In addition, to better support the establishment of Comprehensive State Ground Water Protection Programs, OPPTS will seek to strengthen the coordination, consistency, and coherence among and between the many ground-water related programs and initiatives of EPA, other Federal agencies, the State, Tribes and Territories, and local governments. OPPTS will provide assistance

for the development of State Management Plans under the Pesticides and Ground-Water Strategy by supporting States, Tribes and Territories in developing the following aspects of overall comprehensive protection programs: (1) philosophy and goals toward protecting ground water, (2) roles and responsibilities, (3) legal authority, (4) resources, (5) basis for assessment and planning, (6) monitoring, (7) prevention activities, (8) response to detections of pesticides, (9) enforcement mechanisms, (10) public participation, (11) information dissemination, and (12) records and reporting.

9. Endangered Species Protection: The Agency's goal is to advance from a largely voluntary program to an enforceable Federal Program in FY 1993.

10. Pesticide Worker Protection: In FY 1993, the Agency goal will be to continue developing the training materials required by this program and to disseminate information on the worker protection standards and training materials as they are completed. Until promulgation of the Worker Protection Rule, compliance efforts will focus on informing the regulated community (during inspections) about the probable provisions of the upcoming rule.

11. Certification and Training Part 171: In FY 1993 the Agency will work with the states to address the changes to state plans required as a result of the revised Part 171 Regulations.

12. Food Safety: In FY 1993 the program will continue to advance Agency pesticide and food safety initiative through improved risk assessment and communication and through pesticide regulatory processes. The food safety enforcement initiative will focus on targeting pesticide enforcement activities toward food-use chemicals.

13. Pesticide Container Regulations: In FY 1993 the Agency will begin implementing the revised regulations on storage, disposal, transportation, and recall of pesticides and pesticide containers. The Agency will prepare guidance and strategies to assist States and Tribes to enforce the new requirements of container design.

D. Pesticide and Toxic Program Strategies -- FY 1993 Priorities

As described in Section B above, OPPTS directs its attention primarily to the use and pesticide registration of toxic chemicals. As end of pipe controls reach their technological or economic limits, toxic chemical use controls increase their attractiveness as supplements or alternatives. Caution must be exercised when removing an existing chemical from widespread use, however, to prevent any adverse environmental impact. An essential part of any toxic chemical use regulatory program is to ensure that the controls do not result in unintended adverse effects during their implementation. Toxic chemical use control as implemented by OPPTS

and its Regional and State counterparts is an essential part of the nation's pollution prevention strategy.

In FY 1993, OPPTS will intensify its commitment to involve the States and Tribes as full partners in toxic chemical use control programs. States and Tribes have demonstrated a strong interest in such programs. With very limited funding or no funding, at least 40 States have taken on significant responsibilities in the asbestos program, particularly in schools, and 18 States have included PCBs in their Resource Conservation and Recovery Act (RCRA) program. For enforcement of TSCA §6, asbestos and PCB requirements, EPA has entered into enforcement cooperative agreements with 40 States. For enforcement of FIFRA, EPA has entered into cooperative enforcement agreements with 71 States, territories, Indian Nations, and other political entities.

1. Control of Risks from New Chemical Products: The first leg of the triad of OPPTS toxic chemical use control programs is preventing use or controlling exposure to chemicals which pose an unreasonable risk to public health or the environment if unregulated. The emphasis of this component of toxic chemical use control programs is on collecting and analyzing information to determine whether each new chemical represents an unreasonable risk. Those chemicals that do pose an unreasonable risk are prevented from entering commerce which encourages the development of safer substitutes.

The toxics programs designed to control entry of toxic chemicals into the environment include reviewing premanufacturing notifications to identify chemicals of concern, adding to the list of chemicals subject to Significant New Use Rules (SNUR), and regulating the development and testing of microbial products of biotechnology. This screening process depends heavily on receiving notice from industry of their intent to manufacture new chemicals and their providing EPA with data to use in the screening process. Regional compliance efforts are an integral part of making the process work. "Voluntary" compliance by the industry needs to be backed up by a strong outreach, inspection, and enforcement effort to drive home the importance of 100% compliance. As part of this effort inspections will be conducted and enforcement actions taken against companies failing to submit a PMN or SNUR information, withholding or submitting false/misleading information or violating exemption restrictions or violating other TSCA §5 requirements.

The Pesticide Program mechanism for controlling the entry of pesticides (active ingredients) into the environment is the use of the registration and re-registration process. The registration process is a national licensing program whereby potential registrants petition the Agency, provide health and environmental data, and the Agency then analyzes the risk associated with the chemical's use. If there are no unreasonable adverse effects to humans or the environment, the product is registered. Additional

pollution prevention efforts by the pesticide program includes encouraging the development of safer pesticides including microbials and biochemicals and encouraging use of alternative agricultural practices such as LISA (low input sustainable agriculture) and IPM (integrated pest management).

The Pesticide Registration Tracking Enforcement Program's mandate is to monitor new and existing pesticide product analyses submitted by companies in compliance with FIFRA §3(c)(2)(b). The increased number of studies being submitted under the reregistration program of the 1988 Amendments to FIFRA have greatly expanded the activities of this program in FY 1992. A computer database system called the Pesticide Registration Enforcement system (PRES) was initiated in FY 1990 and is used to facilitate the management of data collected during the registration process. The compliance program tracks compliance with data submission requirements for registration/reregistration and ensures its accuracy and reliability. In FY 1993, OCM will enhance its ability to monitor good laboratory practice compliance through improved facility and field site targeting and auditing procedures.

As an additional element of routine comprehensive inspections, delegated States and Tribes will conduct inspections to ensure compliance with the label requirements, suspension/cancellations, use restrictions and other restrictions and precautions imposed as a result of the registration and re-registration process. The Regions will provide guidance and oversight for these activities.

2. Control of Risks from Existing Chemical Products: The second leg of the triad of OPPTS toxic chemical use control programs deals with chemicals already in use in the environment. Controlling the use and disposal of these chemicals involves three activities: 1) obtaining information about potentially risky chemicals already in use and sharing that information with environmental decision-makers at all levels; 2) reducing risk by controlling use and disposal of chemicals which have been determined to present unreasonable risks and/or reduce unnecessary exposure; and 3) selectively removing certain chemicals from current use or rendering them harmless in place while ensuring that we do not exacerbate the hazard or substitute one hazard for another.

The toxics program continues its "revitalization" of its existing chemicals program to maximize program productivity. OPPTS will reduce risk and eliminate unreasonable risk through a variety of regulatory and non-regulatory actions. The existing chemicals program in toxics plans to achieve its goals by establishing priority screening methods and proceeding with chemical testing, risk assessment, and risk management activities.

The toxics program obtains information on chemicals which leads to priority screening. Under TSCA §8, which requires manufacturers of chemicals to provide data for EPA to do further

analysis, §4 which can require additional data to be generated, and under EPCRA (Title III), §313, which requires facilities that manufacture, process, or use chemicals to report their emissions to the air, water, and land. OPPTS will use these authorities to prioritize chemicals and identify those possible risk reduction candidates. In addition to focusing on existing methods for obtaining data and screening chemicals, the existing chemicals program plans to increase communication and coordination with other EPA offices, states, tribes, and other public sector constituents. By tapping into these sources, OPPTS will be more effective in its efforts to implement priority screening.

In FY 1993, in addition to managing the risk review of hundreds of chemicals, the existing chemical review program incorporates two important initiatives expanding its risk reduction and pollution prevention emphases. The first involves a significant increase in the level of support for the lead risk abatement effort. While EPA will continue to support the ongoing lead-in-paint program that EPA and the Department of Housing and Urban Development have implemented, the additional resources will be directed to several new areas. First, OPPTS will establish a system to identify and respond to geographic-specific instances of unusually high lead exposures to children. Second, OPPTS will implement public outreach and education programs with respect to reducing human exposure to lead. Third, through both regulatory and non-regulatory approaches, OPPTS will restrict the use of lead in specific products and encourage safe lead recycling. Finally, OPPTS will issue standards, guidelines and technical assistance for the abatement or in-place management of lead. OPPTS will work cooperatively with Regional Office staff, with other EPA offices, other Federal agencies and departments, and the states.

The second initiative focuses on pollution prevention in the industrial sector. OPPTS will direct efforts to identify and promote pollution prevention in instances where chemical use choices are made by industry. Specifically, OPPTS will identify certain industry sectors and processes, such as paint stripping, for possible pollution prevention applications. OPPTS will examine the risks associated with the chemicals used in these sectors and processes and define opportunities (e.g., chemical substitution, process changes) for pollution prevention to effect safer uses wherever possible. This information will then be used as a basis for hazard communications, technology transfer and possible regulatory development.

Chemical Testing will enhance the programs ability to reduce risk and eliminate unreasonable risk by developing a master testing list. OPPTS plans to develop multi-chemical test rules for a variety of chemical clusters, improve international coordination by sharing test information, and conduct compliance activities focusing on aggressive enforcement of the Good Laboratory Practices rules to ensure the scientific accuracy of test studies, and

bringing manufacturers into compliance with dioxin/furan test rules as well as TSCA §§4 and 8.

Risk assessment and risk management activities will include publishing the Chemical Control List that will feed into the overall system to set priorities and encourage voluntary risk reduction. OPPTS plans to strengthen links to other EPA program areas to foster an Agency-wide multi-media approach to chemical problems. As an additional part of the OPPTS revitalization, the existing chemicals program will propose a product stewardship rule to require producers to control lifecycle risks. OPPTS is also developing an Environmental Hazard Communication rule to require manufacturers, processors and distributors to apprise their customers of health and environmental risks at the time of the sale of commercial chemicals.

Other risk management activities include implementing the dioxin pollution prevention strategy, the lead(Pb) strategy, evaluating the uses of TSCA to support the Agency's Great Lakes projects. OPPTS plans to investigate using TSCA, §6 authority to reduce risk from toxics in a specific geographic area. The use of this authority will lend itself to multi-media, multi-chemical approaches to risk reduction in sensitive areas. To complement this goal, OPPTS will integrate the results of the Regional Comparative Risk projects into the revitalization programs and consider the uses of TSCA and EPCRA, §313 to facilitate implementation of Regional priorities.

Regional compliance efforts are crucial for the successful use of §§8, 5, and 4. Outreach, inspections, and enforcement are essential to give the information collection effort integrity.

The Regions and delegated States and Tribes will conduct compliance monitoring activities to ensure that chemicals that have been banned are no longer manufactured and distributed in commerce and are phased out of use within the mandated timeframes. The compliance effort is directed at preventing hazards from chemicals found to present unreasonable risks such as PCBs.

The pesticide program has several mechanisms to control the use of pesticides in the environment. First the Agency can restrict the use of certain pesticides (i.e., restricted use products) that have the potential to cause adverse effects to man or the environment when applied incorrectly. Sale or distribution is limited to applicators that have been trained and certified by a State, Tribe, or U.S. Territory. With this training the program assures that private and commercial applicator's have reached an acceptable level of competency. The Agency then is assured that the applicator has demonstrated knowledge of safe pesticide handling practices and is more likely to apply the potentially hazardous product correctly.

The re-registration process revisits the initial decision that registered older products as new technology and improved scientific methods have evolved since these decisions were made. This process entails: 1) reevaluating the data that initially supported a product's registration against current toxicological standards; 2) conducting risk assessments for humans and wildlife, 3) evaluating the fate of the chemical in the environment, and 4) reevaluating food tolerances and adjusting them as necessary.

The primary focus for the FIFRA 1988 amendments is the re-registration of the older chemicals. These chemicals have the potential to pose more of a risk to humans or the environment than the "newer" pesticides, because "modern" testing requirements and risk analyses have not been completed for these chemicals. Under the new amendments, re-registration of all older products will be completed in a five phase process.

Compliance monitoring activities will be conducted in order to ensure that use restrictions imposed by EPA are followed. The Regions and delegated States and Tribes will conduct inspections to ensure compliance with the revised regulations and with various use-related restrictions.

Pesticide products can be removed from the market through a variety of mechanisms including voluntary cancellation, failure to meet the Agency's data requirements for registration, or as a result of the Agency's special review process. The special review function is the process whereby EPA evaluates a product's registration in light of information that leads the Agency to believe that the risk/benefit balance is skewed towards the risk side of the equation. This process is used to do an in-depth study of the risks associated with a product's uses, and the benefits associated with those uses. When the risks are too high, some or all of a chemical's uses can be restricted or canceled or suspended.

Prior to the FIFRA 1988 amendments, the Agency was responsible for the indemnification and disposal of the suspended products which were subsequently canceled. As a result of suspension and cancellation actions, the Agency still has two products to dispose of in 1992: 2,4,5-T/silvex and any remaining stocks of dinoseb that were not destroyed in 1990 and 1991. In 1990, the Agency gained the ability to require registrants to recall products and dispose of them. The Agency will be responsible for indemnifying citizens who were not able to sell their products back to distributors or retail merchants. Pollution prevention is also a major focus with regulations currently being drafted for pesticide container designs and recycling requirements.

Headquarters will develop compliance monitoring strategies, as needed, to address actions such as cancellations and suspensions, including requirements for companies to recall products. The

Regions and delegated States and Tribes will implement appropriate provisions of such strategies, once finalized. States will complete inspections, as part of routine comprehensive inspections when appropriate, and both the Regions and States will take enforcement actions, as appropriate, to ensure compliance with cancellation and suspension orders and use restrictions imposed by special reviews, as well as recalls required by EPA for suspended and canceled pesticide products.

3. Field Operations: Meaningful program coordination with pesticides and toxics field components at the Regional and State/Tribal levels is essential to risk reduction. OPPTS' Compliance Monitoring Office initiated a Strategic Dialogue in FY 1992 which is continuing to make the compliance program more risk-based, increase the program's contribution to pollution prevention, and to improve capabilities to measure the impact of the program. We are involving the States and Regions as proactive participants in these long term planning efforts, identifying toxic and pesticides priorities and developing model toxics and pesticides related documents (legislation, guidance). OPPTS will continue to focus on obtaining positive environmental results in geographic specific areas such as the Great Lakes program. By promoting partnership in the development of new programs where necessary, and furthering education and outreach, we will accomplish the goals of our programs. Highlights of the specific 1993 field implementation priorities are discussed in Section C above.

Office of Administration and Resources Management

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

I. ASSISTANT ADMINISTRATOR'S OVERVIEW

The FY 1993 Operating Year Guidance for the Office of Administration and Resources Management (OARM) is comprised of thirteen programmatic objectives. Two programs, Financial and Management Integrity, the Integrated Contract Management System, are new to our FY 1993 guidance.

This guidance also includes a top priority of the Agency and the Administrator -- improving Contracts Management at EPA to ensure that the Agency maintains integrity in the procurement process and ensures appropriate spending of federal funds.

One activity, Human Resources Management, reflects the Administrator's priority to create and market the kind of working environment that attracts, develops and retains the highly trained and motivated employees and manages the Agency needs. Information Management supports Agency-wide goals to work collectively with State and local governments to make environmental data available through technology innovations, data sharing partnerships, and new methods in systems development. In addition, the guidance includes an initiative to build Public-Private Partnerships in our common pursuit of improved environmental quality; improve and provide safe and healthful working conditions for Agency personnel; improve the Buildings and Facilities planning and appropriation and space planning process so that we will be able to fund EPA's critical facilities requirements; and an Agency-wide effort to improve Property Management.

Other important program activities are: Organizational Conflict of Interest; Assistance Management which will identify management initiatives to assure the integrity of assistance funding awarded through interagency agreements, cooperative agreements, and grants; and Suspension and Debarment which will ensure EPA's full participation in the government-wide system for suspension and debarment.

OARM's key programmatic objectives discussed in the FY 1993 Guidance are summarized below.

o CONTRACTS MANAGEMENT

As an Agency with growing responsibilities but with only minimal growth in its federal workforce, EPA continues to rely heavily on contractor support. This method of doing business requires strong and active contract management to ensure that we maintain integrity in the Agency's procurement process and ensure appropriate spending of federal funds. Throughout recent years, EPA has continued to receive scrutiny in various areas of its contracts management

program. The Agency will work to implement initiatives begun in earlier years with an emphasis on management accountability and the Contract Management Workforce.

o CONTRACT INFORMATION MANAGEMENT

Because of EPA's inability to report timely, accurate procurement and contract management information, the Agency has undertaken the effort to replace its current suite of national and local automated procurement tools with one integrated system. The purpose of the Integrated Contract Management System (ICMS) is to eliminate the current reporting problems while increasing the efficiency of the acquisition and contract management workforce. Unlike the CIS and APDS, the ICMS will be used by the total EPA procurement community, both contracts and program personnel.

o ORGANIZATIONAL CONFLICT OF INTEREST

To preserve the integrity of the federal contracting process and to support the soundness of Agency decisions in Superfund enforcement and cost recovery efforts, it is imperative that EPA take necessary precautions in determining appropriate use of contractors in the Superfund program and other EPA programs.

Organizational Conflict of Interest (COI) and the way it is handled under Superfund contracts has been an issue of mounting concern over the past three years. Increasing concerns are also being directed at how COI should be managed in other Agency programs. In FY 93, initiatives that the Agency began in connection with the Superfund Management Review will continue to be given significant emphasis.

o HUMAN RESOURCES MANAGEMENT - EPA's most important resource is its people. The chief concern of all supervisors, managers and executives should be creating and maintaining a culture and work environment that allows employees to make their maximum contribution to mission accomplishments. The 1993 Human Resources Program supports this objective by focusing on enhancing a partnership between the Human Resource community, managers and employees to recruit, develop and retain a culturally diverse and highly qualified workforce.

As environmental problems are defined more globally, EPA will be called upon to exert strong leadership. We need to address a variety of human resource issues including: hiring enough scientific and technical people to keep pace with demand; continuing management and employee development; and helping with staff creativity an improvement in productivity, supporting training in cultural diversity, in total quality management, and career counseling.

o FINANCIAL AND MANAGEMENT INTEGRITY

Initiatives in this area are on supporting EPA's Senior Council on Management Controls and its emphasis in ensuring: 1) that EPA's declared material weaknesses are corrected; 2) that offices continue to fully disclose existing material weaknesses; 3) that safeguards are in place for prevention of future problems; and 4) that early warning of emerging issues occurs. Officials accountable for implementation of corrective actions should work with the Office of the Comptroller to provide executive correspondence on their progress.

o INFORMATION MANAGEMENT

OIRM's FY 1993 Activities Contribution to the Accomplishments of the Agency's Goals Objective by providing leadership in the nation's environmental science, research, and assessment efforts. We will be: gathering and analyzing the data needed to evaluate environmental risks and trends; promoting and supporting innovative technological solutions to environmental problems; and providing objective, reliable, and understandable information that helps build trust in EPA's judgement and actions.

We intend to effectively carrying out our programs and policies by: Maintaining a vigorous and credible enforcement program;B.promoting cross-media and interstate initiatives; enabling state and local governments to implement and enforce environmental programs; conveying clear, accurate, and timely information to the public, and incorporating information from the public in EPA activities; and involving other government agencies, public interest groups the regulated community, and the general public in achieving nation and global environmental goals.

Our work in improving the global environment will include working with other government agencies and nations, the private sector, and public interest groups to identify and solve transboundary pollution problems and providing technical assistance, new technology, and scientific expertise to other nations.

o BUILDING PUBLIC-PRIVATE PARTNERSHIPS

P3 looks at environmental problems from a cross-program and an intergovernmental perspective. Its goal is to build the Federal, State and local financing capacities and linkages needed for a quality environment. P3 seeks increased environmental investment by leveraging public and private assets.

o GRANTS/COOPERATIVE AGREEMENT/INTERAGENCY AGREEMENT MANAGEMENT

Consistent with the 1992 Administrator's Operating Guidance, Regions should assure the effectiveness of the consolidation of all grants administration functions in the Grants Management Office (GMO) of the Management Divisions under the Assistant Regional Administrator. Regions should continue to evaluate their grants

management activities to provide adequate internal controls. In addition, GMOs shall continue to use the Regional Automated Grant Document System/Interagency Agreement System (RAGDS/IAMS) for all assistance programs and IAGs. Headquarters program offices and the regions shall use the Grants Information and Control System (GICS) for administrative assistance information and reports.

o SUSPENSION AND DEBARMENT

All Executive branch Federal agencies have been under a uniform suspension and debarment system for procurement since 1982, and assistance since 1988. In 1993, we anticipate implementing a consolidated government-wide rule for suspension and debarment incorporating both procurement and assistance programs.

In FY 1993, we will continue an aggressive effort to investigate poor performance and misconduct on EPA specific projects as well as auditing settlement agreements on previous actions. In FY 1993, continued emphasis will be placed on Superfund Contract Laboratory program contractor actions and on criminal environmental violation based causes of action. The Division will focus on building a Federal-State Partnership in the suspension and debarment program, and develop a coordination strategy with DOD and other agencies concerning lead agency action against multi-agency contractors.

o SAFETY, HEALTH AND ENVIRONMENTAL MANAGEMENT

It is critical that EPA's internal occupational and environmental risk management programs be the best in the Federal government. To further that objective, program efforts in FY 1992 expanded the Agency's national leadership role, policy and program development activities, and national oversight. In both FY 1991 and 1992 there has been increases in resources for the regional and laboratory programs and an additional workyear and dollar increase is projected for FY 1993. Our guidance provides direction for those improvements expected in regional and laboratory programs during FY 1993.

o PERSONAL PROPERTY MANAGEMENT

EPA has expended significant resources in an effort to make major improvements in the area of property management. Improvements and enhancements continue to be made in the system in an attempt to assist property managers in performing their mission of protecting the Agency's assets. In spite of these improvements, audit findings continue to highlight the inability to trace property items to the system, the failure to sign and submit custodial officer responsibility letters, and the failure to complete and reconcile year-end inventories. Headquarters will continue to work with all accountable areas to ensure that all Superfund and non-Superfund property is properly tracked and controlled.

o BUILDINGS AND FACILITIES

In spite of our substantial investment of Buildings and Facilities (B&F) funds, EPA facilities continue to require increasing resources. We have received significant increases in Repairs & Improvements (R&I) funding from FY 1984 to FY 1991. During this time period we emphasized critical health and environmental compliance projects and have addressed many major problems in these areas. However, our funding for basic repair and upkeep, space alterations, and facility modernization required by our ever changing programs has not kept pace. To emphasize and address these basic requirements, which are not currently being adequately met, we are implementing an Agency-wide facilities Strategic Masterplanning initiative in FY 1992.

o SPACE PLANNING

With many leases expiring over the next few years, we need to coordinate and streamline our space planning process and review our housing policies for contractors. This is particularly important in order to maximize the use of scarce support and buildings and facilities funds.

II. OARM PROGRAM PRIORITIES

A. CONTRACTS MANAGEMENT

As an Agency with growing responsibilities but with only minimal growth in its federal workforce, EPA continues to rely heavily on contractor support. This method of doing business requires strong and active contract management to ensure that we maintain integrity in the Agency's procurement process and ensure appropriate spending of federal funds. Throughout recent years, EPA has continued to receive scrutiny in various areas of its contracts management program.

The Agency will develop and implement a formal Contracts Management Improvement Plan. Some actions currently underway include: Agency-wide senior management involvement and accountability; clear distinction between Contractors and EPA employees; contract policy review; organizational accountability; and elevating the Agency's procurement functions from an division to an office level to report directly to the Assistant Administrator for OARM. OARM will play a key role in leading and organizing these efforts. The Agency will continue its effort/ implementation of decentralization of Superfund contract programs to the Regions. This will entail careful transitioning and resource support to the Regions.

Management Accountability - It is the responsibility of EPA managers and supervisors to familiarize themselves with the principles and the contracts management process in general, and to become personally involved in the contract activity of their organizations. Managers need to know the status of their contracts and senior managers should be prepared to discuss their contracts during quarterly SPMS meetings. Prohibited contracting practices will not be tolerated and the Agency's managers must understand the procurement process well enough to condone only legal and proper procurement practices in their organizations.

Contract Management Workforce Recognition - To recognize the excellent combination of technical and business skills that EPA's contract managers must develop in order to excel, the Agency will continue to recognize and reward its top contract managers through a monetary award sponsored by OARM. Each region and Headquarters program office should nominate its best project officers and other task officers to ensure that we continue to recognize the role these individuals play in EPA's ability to achieve its mission.

Development - The Agency must continue to develop its contract managers to prepare them to manage EPA's large contracts. In addition to formal classroom training, it is essential for these contract managers to receive on-the-job training and support in their own offices.

Communication - OARM and Regional Management Division will continue to develop better communication mechanisms (e.g. electronic bulletin boards, support groups, news bulletins) for sharing information with the Agency's contract management community.

Financial Monitoring Program

The Financial Monitoring Program is an EPA innovation that provides critical financial services proven to be essential in managing its complex, high dollar contracts. This highly successful program has allowed PCMD to better manage its active contracts to avoid or minimize problems before they become serious; identify actions needed to limit, avoid, and recover contract payments on a timely basis; resolve contractor accounting and billing deficiencies; direct audits needed to troublesome issues; and assure the adequate contractor documentation of invoices, reports, and accounting records.

To assure responsible contract management, this function will be developed into a nationwide program that covers all major contracts regardless of where they are placed or managed, i.e., Headquarters, RTP, Cincinnati, or the Regions. This expansion will provide coverage for the increased number of contracts that will be in place in FY 93 as the result of the Long Term Superfund Contracting Strategy and the growing ADP contracting program. The total number of contracts subject to these reviews will grow from 210 currently to 365 by FY 93. In addition, expansion to contracts placed and managed by RTP and Cincinnati is necessary to ensure that the benefits of this program are available for all of EPA's major contracts. Reliance on external audit resources for these services is not an option since these resources are not centrally managed, do not have sufficient insight into the requirements and complexities of EPA's contracting programs, and cannot assure an immediate response when necessary. The General Accounting Office and the Congress have been very supportive of EPA's financial monitoring program. The Report of the Administrator's Task Force on Implementation of the Superfund Alternative Remedial Contracting Strategy (ARCS) recommended performing these reviews every one to two years for each contract, which would be a significant additional expansion of reviews which are currently performed every three to four years.

B. CONTRACT INFORMATION MANAGEMENT

Because of EPA's inability to report timely, accurate procurement and contract management information, the Agency has undertaken the effort to replace its current suite of national and local automated procurement tools with one integrated system. The purpose of the Integrated Contract Management System (ICMS) is to eliminate the current reporting problems while increasing the efficiency of the acquisition and contract management workforce. Unlike the CIS and

APDS, the ICMS will be used by the total EPA procurement community, both contracts and program personnel.

ICMS System Development - ICMS is currently in the "Design" phase of the system life cycle. If continued funding is received, we will begin the system coding in the second quarter of FY 93. The Administrative Systems Division (ASD) in the Office of Information and Resources Management (OIRM) will be the lead office in this part of the ICMS effort. OIRM has separately requested FTE and contract dollar support in their FY 93 budget submission. The PCMD ICMS Project Manager will coordinate the OIRM effort with the other aspects of ICMS work.

ICMS Policy and Procedures Analysis - PCMD will lead the effort to review and revise Agency procurement policies and procedures that will affect and be affected by ICMS. This effort is critical because of the many technological advances anticipated to be delivered with ICMS (such as; electronic signatures, electronic routing and approvals, and electronic data interchange with EPA's contractors). Unless Agency procurement policies are revised, these capabilities cannot be used. Representatives from Program, Regional, and Contracting offices will be involved in this activity.

Workforce Training - The implementation of ICMS will require a massive EPA-wide training effort for this new and complex automated system. We anticipate the need to train over 350 people in the contracting and related fields. Over 1,000 people will be trained in the project officer and related positions. Training planning and coordination will begin in FY 93 and continue into FY 94 and FY 95. In FY 93, the emphasis will be focused on developing the training methodology and material for all areas of the procurement community.

C. ORGANIZATION CONFLICT OF INTEREST

To preserve the integrity of the federal contracting process and to support the soundness of Agency decisions in Superfund enforcement and cost recovery efforts, it is imperative that EPA take necessary precautions in determining appropriate use of contractors in the Superfund program. In addition, EPA continues to carefully review all EPA procurement that may pose significant potential for conflict, particularly those involving in regulatory support.

Organizational Conflict of Interest (COI) and the way it is handled under Superfund contracts has been an issue of mounting concern over the past two years. In FY 93, initiatives that the Agency began in connection with the Superfund Management Review will continue to be given significant emphasis. Several of the key activities that will take place over the course of FY 93 are as follows:

OARM will continue to implement the COI database system that was established in FY 91 and ensure its effective use by Headquarters and Regional contract management staff.

We will continue to conduct on-site reviews of contractors' COI avoidance procedures to provide a check and balance to the self-disclosure of COI matters that contractors must perform as work is assigned to them.

OARM will also continue to provide training to Agency staff on matters related to COI in all Agency programs. A significant portion of the training will be conducted in the regions to ensure that Regional staff charged with managing the Superfund and other contracts have a full understanding of the controversial and sensitive issues surrounding COI.

D. HUMAN RESOURCES MANAGEMENT

1. Hiring the best - EPA will continue to develop a recruiting relationship with an extensive network of colleges and universities. Schools are selected on the basis of their ability to produce top quality culturally diverse candidates in disciplines needed by the Agency. Under the "Campus Executive" concept, senior EPA managers will coordinate recruitment, research assistance, equipment sharing, and curriculum input with each sponsored school. Regions, labs and AAships will need to provide senior executives as campus executives and support them in this role.

The Agency will continue to take advantage of OPM hiring and position classification flexibilities to streamline the recruitment and employment process. In 1993, we will be exploring and utilizing many provisions of the Federal Employees Pay Comparability Act of 1990 (Pay Reform) to attract and retain the best employees. Managers must become more knowledgeable of the tools now available to them and must work with their human resources offices to make the best use of those tools.

2. Investing in people - In the coming years, the retention of a quality workforce will require that we focus on the total worklife of employees. That means we must move beyond traditional incentives (compensation, insurance, leave, etc.) and continue to work on less traditional initiatives. We will continue to support flexitime, compressed workweek, flexiplace and leave banks, We also will continue to develop such services as daycare, health and fitness facilities, eldercare support, employees counseling and support groups. We must also provide career counseling and development activities that will encourage employees and managers to strive for long-range careers at EPA.

In 1993, OHRM will continue implementation and coordination of training activities to encourage the Agency's training community to

think about the role of training in implementing the Agency's Strategic Plan. Recognizing the impact of training on our ability to carry out our mission, the Agency will budget the equivalent of at least three percent of PC&B totals for training. A curriculum of the 90's will be made available through the EPA Institutes's 15 HQ, Regional and Laboratory locations. Courses on current topics (e.g. pollution prevention) will figure prominently as well as those on transportable skills (e.g. negotiation). An expanded orientation program will be designed and piloted.

OHRM, in cooperation with the Agency's scientific community will develop cross-media Career Competency Menu's for engineers and scientists as part of a strategy for maintaining and enhancing technical skills at the state-of-the-art level.

Other development activities include:

- Supervisors and managers will have Individual Development Plans and will take training courses and/or developmental assignments on a regular basis.
- For EPA's new supervisors and managers, transition courses including "Framework for Supervision" and "Keys to Managerial Excellence", have been revised to include segments on Cultural Diversity, TQM, etc.
- Assessment services are being offered to our managerial workforce.
- Investment in the development of people and intergovernmental relationships that will enhance our Agency's ability to operate effectively in the global arena.

3. Capitalize on Diversity - Looking forward to Workforce 2000, EPA and OHRM are launching a comprehensive initiative to analyze the issues of working with a culturally diverse workforce. A Taskforce is conducting an assessment of the issues and will be developing recommendations and strategies to position the Agency to meet the challenges of diversity and the reduced applicant pool.

Organizations must pursue meeting the Agency's 52% hiring goal for hiring of minorities and women into management positions, especially into the SES ranks. Minority candidates in particular should be selected in greater numbers, since current data shows that minorities are under-selected for management positions.

Valuing diversity in our workforce is related to a larger principle, that our Agency will work aggressively to make policies, procedures and decisions that insure fair treatment for all segments of the population. Environmental equity should be an ongoing concern of all EPA decisionmakers.

4. Focus on Quality - In order to make EPA's quality management initiative successful, it is critical that Agency managers and employees be kept informed of current thinking, plans and Agency

experiences with TQM. Organizations must support OHRM as it collects and communicates TQM information so that the Agency workforce can make enlightened decisions as they integrate quality into their everyday work.

As EPA's quality effort matures, it is important that we keep track of our progress in a quantifiable manner. Organizations need to measure the perceptions of both their internal and external customers to gauge whether they are in fact being successful in their attempts to improve quality at EPA. During 1993, OHRM will continue to refine our measurement systems to make sure that we know where we are and where we are going with our quality initiative.

Operating office will need to expand TQM efforts and increasingly bring employees into the work processes and decision-making that affect them daily. OHRM will continue to provide advice and guidance to those offices in the area of quality education and implementation.

E. FINANCIAL AND MANAGEMENT INTEGRITY

Initiatives of the Office of the Comptroller (OC) in FY 93 are primarily focused on supporting the Administrator's Financial and Management Integrity initiative. The concept of Financial and Management Integrity refers to those controls that are in place to ensure: 1) that Federal laws are carried out effectively and efficiently, 2) that safeguards are in place for prevention of problems and 3) that early warning of emerging issues occurs. The concept encompasses the full accountability of those officials entrusted with the appropriate management of public funds and programs.

The Office of the Comptroller activities are designed to not only <u>detect and prevent problems</u> (such as audits) but also to <u>assist and enable</u> program offices and regions to meet Financial and Management Integrity goals (such as IFMS enhancements). The <u>major change</u> in focus for OC in FY 93 along these lines will be the <u>implementation of the Chief Financial Officers Act (CFO)</u>. The key activities of this implementation which will affect the program offices and the regions are:

<u>Preparation of accurate and timely financial statements for audit</u>. EPA is required beginning in FY 93 to prepare a complete set of financial statements that reflect the overall financial position of the Agency's funds and activities including assets and liabilities, results of operations, cash flows, changes in financial position, and appropriate reconciliations to budget reports. The financial statements will include an overview of the Agency's programs. The statements and the overview will be audited by EPA's Inspector General.

Development of a comprehensive analysis of the status of financial management within the Agency. This analysis, required by the CFO Act for OMB, will discuss important aspects of the Agency's financial statements, relate financial data to other measures of performance such as program accomplishments, and provide insight into financial indicator trends.

Identification and measurement of program performance measurements. Work towards developing a meaningful performance measurement system which: 1) integrates program and financial data; 2) is consistent with EPA's strategic plan; 3) meets the needs of clients in decision or policy making positions; and, 4) allows for comparative evaluation across government programs.

Development and expansion of Agency user fees. Review Agency user fees and propose adjustments as necessary. Continue development of scheduled user fees and encourage new ones.

The following are examples of ongoing OC activities that support Financial and Management Integrity and will affect the program offices and regions in FY 93:

- Quality Assurance reviews of offices' audit follow-up activities;
- Tracking of audit follow-up and completion of corrective actions;
- Audit Management program to strengthen use of the audit process and audit reports as positive management tools;
- FMFIA/Management Controls program with the documentation of controls, regular review of these controls, and the reporting and correcting of weaknesses in the controls;
- Tracking of corrective actions to remedy management control weaknesses;
- Management Assistance Reviews (MARS) to evaluate administrative activities;
- Maintain and operate an integrated financial management system (IFMS) with appropriate internal controls that meets the user's financial and management needs;
- Continually enhance the IFMS to provide better financial controls and improved capabilities such as the recently introduced the Management and Accounting Reporting System (MARS);
- Continually update financial policy and procedures to ensure consistent and appropriate financial management activities;
- Provide guidance and ensure compliance with financial policies and procedures through reviews such as Quality Assurance Reviews (QARS) and Financial Assistance Reviews (FARS); and
- Oversee the Agency's Superfund Cost Recovery Process as it relates to financial documentation.
- Continue installation of Superfund Cost Recovery Image Processing System (SCRIPS) in Regional offices.

- Provide periodic review of Imaging Technology hardware/software in support of SCRIPS.

Budget Process Objectives

The Agency intends to improve the budget process by concentrating on the following objectives: 1) increasing Agency resource managers as well as the public's knowledge of environmental needs; 2) continue close working relationships with OMB and Congressional staffs; 3) utilizing alternative/creative funding options whenever possible; 4) producing budget requests that incorporate pollution prevention, cost-effective risk reduction, and risk assessment; 5) improving automated financial and data management systems to the latest state of the art methods; 6) increasing Regional Office participation in the budget process; and 7) utilizing the most effective combination of in-house and contract support operations.

1) Increasing both the Agency's resource managers as well as the public's knowledge of environmental needs: The Agency must ensure that the Congress, OMB, and the public all understand the importance and scope of the nation's environmental needs. Success in articulating these needs to the Congress and OMB must be realized, so that they will support our funding requests. In turn, Congress and OMB will cooperate more fully with the Agency's budget requests when they realize that these requests are supported by the public. Therefore, it is critically important that we communicate to all parties involved the differences between public perceptions of environmental needs vice actual scientifically supported environmental needs.

2) Continue close working relationships with OMB and Congressional staffs: We must continue our close relationships with the Congress and OMB. Only then can the Agency expect to receive sympathetic response for the resources so desperately needed to fund the growing list of environmental programs. In order to develop these improved relationships, contacts with the Congress and OMB must be as professional and productive as possible. We must be a reliable partner in the overall government effort to address environmental needs, by providing data, information, and technical assistance promptly and courteously.

3) Utilizing alternative/creative funding options whenever possible: We must be as flexible as possible in proposing ways to fund the Agency's programs. We must utilize all possible means of funding, as there will be increasing strains on the availability of the federal government's general revenues. The Agency is already being pressured to utilize alternative funding methods. These methods may take the form of user fees, polluters taxes, public/private partnerships, state/local government matching funds, etc. The Agency's program and resource managers must make every effort to do more with less, by leveraging existing resources and encouraging state/local government, international, and private

funding support for the Agency's programs. The Agency must establish both guidance and support whereby these alternative funding sources and mechanisms can flourish.

4) Producing budget requests that incorporate pollution prevention, cost-effective risk reduction, and risk assessment: The Agency must develop and implement detailed, structured planning processes that ensure that pollution prevention, cost-effective risk reduction, and risk assessment are incorporated into defined budget priorities at all stages of the budget process. This can be achieved by an effective strategic planning process, which will translate long-term environmental goals into achievable budgetary priorities.

5) Improving automated financial and data management systems to the latest state of the art methods: The Agency must address the exponentially increasing demand for better environmental data and information, both for Congress, OMB, and the public. EPA has been at the forefront of the federal government community in developing an integrated financial management system (IFMS), but improvement is still desperately needed. The improvement must take place both for both in-house and contract financial, data, and information systems. These systems must be as accessible as possible, to the rest of the federal government, to state/local governments, to university based research centers, and to the demanding public. The vehicles for providing the availability of information and data must be improved in order for the Agency to continue to be responsive in the future.

6) Increasing Regional Office participation in the budget process: The Agency will continue to place the majority of new resources in the Regional Offices. The split of employees is now about 50/50, and the momentum toward the Regions should continue. Therefore, it makes sense to provide the Regions with greater participation in the budget process. We also must recognize the unique needs and responsibilities of each Region, and support those needs accordingly.

The Agency will continue to support the Lead Region media process, as well as to invite greater regional participation through the investigation of various forms of independent budgeting for the Regions. The strategic planning process role for the Regions will also be expanded. The Comptroller will also support the establishment of a permanent Regional employee position rotations.

7) Utilizing the most effective combination of in-house, grants, and contract support operations: The Agency must develop a monitoring criteria for contracts, as well as selective processes for maximizing performance under grants provided by EPA. These actions will require rigorous training in federal procurement procedures, contract administration, grants administration, and

contracts information systems. These systems must be readily assessable to appropriate users. Through these efforts, the Agency can implement programs that are responsive and effective in addressing environmental needs.

F. INFORMATION MANAGEMENT

1. Information Integration - EPA's policy of environmental federalism has achieved an excellent measure of success in the wide range of activities that support information management and cross-media integration. The Agency's thrust to disseminate environmental data and information to the broadest possible audience has challenged the way the Agency has traditionally done its business. To broaden our base of users, our information management programs are attempting to make environmental data available through technology innovations, data sharing partnerships, and new methods in systems development.

OIRM is committed to providing leadership in managing and delivering information resources and services to further the Agency's mission. This commitment emphasizes IRM's role as EPA's information broker where success is measured by the extent that data and information products are available for productive use by EPA staff, the States and local governments, other national governments and international organizations, the scientific community, and the American public. During FY 93, we expect to have in place MOUs with the Department of Commerce, Interior, Agriculture, Energy, and NASA that are focused on the exchange of data sets. These documents will provide a cooperative framework for local data exchanges.

Increasingly, the accomplishment of the Agency's mission requires the capability to utilize information and information technology effectively. The Agency is continuing to use risk analysis as well as geographic and cross-media approaches to evaluate environmental problems in more comprehensive and institutional manner. The shift from single-media environmental management to a more integrated and holistic approach is also dictating a change in how the Agency manages its information resources. Specifically, the Agency recognizes the need for an integrated approach to managing environmental information and is beginning the long-term process of developing an integrated information infrastructure to progress toward this goal.

OIRM's top priority will be initiating EPA's Information Integration Project. This project begins the process of building the integrated information infrastructure that the Agency needs. One of the major goals of this project is to integrate data from individual program systems into a data repository (ENVIROFACTs) and provide users of this repository easy access to its environmental data through a common user interface (GATEWAY). As

currently envisioned, ENVIROFACTs will contain data extracts from existing program systems. These data will be augmented by additional programmatic, monitoring, and base geographic data, from both internal and external sources, to support sound environmental decision-making. EPA will continue its strategic initiative, defining a methodology for the integration of national administrative systems; e.g., Finance, Grants, Contracts, etc. Our ultimate goal is to provide major productivity gains through single source data entry practices and to ensure consistent, accurate data across OARM's organizations and systems.

2. Implementation of the New Systems Development Center (SDC) - OIRM will continue to provide EPA with comprehensive information systems life-cycle services through the establishment of an EPA Systems Development Center (SDC). The SDC is intended to be EPA's Center of Excellence for Systems Engineering. The SDC will be a contractor managed facility, housing MOSES' prime contractor, subcontractors, and a potentially small number of EPA staff for contract and technical management purposes.

The SDC gives EPA a central location for developing and coordinating the development of EPA information systems under this contract. The SDC is also charged with establishing a systems engineering environment consisting of systems development methods and tools for application to EPA systems development projects.

3. Systems Modernization and Maintenance - OIRM continues to be a strong advocate for modernizing EPA's mission critical national program systems. OIRM will reinforce this message through its Agency-wide outreach programs, activities, and one-on-one meetings with clients. The Office of Water's, Water Systems Modernization Initiative, is one example of how OIRM will seek to forge a partnership with EPA's media offices to support the goal of systems modernization.

On the project or systems level, OIRM will play a significant role in modernizing the STORET data system. It will also continue its efforts to modernize FINDS to enhance its updating process and meet new user requirements. Furthermore, OIRM will continue its commitment to maintaining and providing strong user support for several critical EPA data systems.

4. Global Geographic Initiatives - Over the last several years, the Agency's use of geographic analyses has increased dramatically and become an important means of assessing potential threats to critical ecosystems, natural resources, and public health. From an information management perspective, these analyses and sponsoring programs (e.g., The Gulf of Mexico and Great Lakes National Programs) are collecting, generating, and managing significant amounts of valuable data.

These initiatives require increased information resources management (IRM) services and support in order to develop and implement sound information management practices and systems. As a result, OIRM is increasing its support to these geographic initiatives. These efforts are designed to provide each Region the capability to conduct geographic based analyses that help States and EPA target resources to the most significant environmental problems. Increased efforts will also be made to provide technology and user support for cross-media analysis.

OARM, with concurrence by all Program Offices and Regions, has developed a set of essential Agency data standards. We will continue to educate Agency components about the data standards, their utility, and the necessity to create data in conformance with the standards.

5. Information Management - We have developed a comprehensive Data Sharing approach. This strategy is intended to promote a free and appropriate flow of the Agency's vast data resources to interested parties, consonant with the Agency's right and responsibilities as data steward. EPA is committed to promoting mechanisms, systems and services which support data sharing activities. EPA, acting as data steward, shall ensure cost-effective, equitable sharing of the Agency's data resources. Three major directions are part of the Data Sharing strategy: the State/EPA Data Management Program; increased public access and a full range of information services; and the International Data Sharing Program. In FY 1993, we will continue to focus our efforts on cross-media analysis to promote data integration and achieve environmental results through the following activities:

6. State/EPA Data Management Program - EPA's commitment to environmental federalism requires that we strengthen the methods and technology we use to manage and share data with State environmental and health agencies. If we are to continue to delegate program responsibility to States without sacrificing accountability and be responsible stewards of environmental data, we must have timely, complete and reliable data to monitor State progress in implementing and enforcing Federal environmental statutes. In addition to being the source, State agencies are also the initial and primary users of the data required by EPA to manage delegated programs. Thus, our own ability to obtain these data, as well as the ultimate success of the State-EPA cooperative relationship, depends on our success in devising data management policies and systems that support State efforts to achieve our common goals of overall risk reduction and pollution prevention.

The emphasis on geographical information systems analysis, data standards, data integration techniques and complete quality data bases will provide the Regions and States with tools and resources to conduct comprehensive regional strategic planning, regional and sub-regional analysis, enforcement targeting, and risk based

ranking/priority setting. Cross-media integration efforts will also assist in evaluating effective strategies in the pollution prevention area.

7. International Data Sharing - Environmental information is the key to sound development practices. EPA has effective information services and systems and a wealth of environmental data to share with the world community. Recognizing that the development of effective international data-sharing mechanisms is among the most valuable contributions EPA can make to the global effort to improve environmental quality.

The International Data Sharing Program was initiated in FY 1989 to support the new global challenges and opportunities outlined in the Administrator's "International Strategy for the Environment" as well as the strategic plans of the Office of International Activities (OIA) and the Office of Enforcement (OE). The goals of the International Data Sharing Program include: establishing the United States as a reliable partner in international information exchange relationships; ensuring the availability of significant datasets in formats that are useful to our international partners; and assisting developing nations in establishing effective local information management capabilities.

The International Data Sharing Program will continue to serve as a key IRM partner in EPA's expanding cooperative activities with foreign governments and international organizations. The Program promotes professional exchange programs, as well as technology transfer and technological assistance to support sustainable development goals. It actively participates in the development of regional information management capabilities through the INFOTERRA Companion Program and implementation of regional environmental centers. It actively supports the United Nations Environment Programme's (UNEP) International Information Exchange Networks (INFOTERRA) and the International Register for Potentially Toxic Chemicals (IRPTC) and others.

8. Public Access to Agency Information - EPA has experienced an increasing demand by the public for both electronic and printed information. In addition, legislative requirements to disseminate information to the public have provided impetus to augments services for information access and dissemination. The development of the Public Access Program involves working with EPA Program Offices to provide support and guidance on public access. The Program includes aggressive outreach efforts to communicate the Federal public access trends, activities, policies and procedures. Support and guidance to Program Offices will help to improve EPA's ability to fulfill its mission to provide environmental information to the public.

9. Office Productivity Tools - OIRM is committed to providing the Agency with applications to support the administrative needs of the

Agency via both Mainframe and PC technologies. This commitment includes support and expansion of AdminLan, which is a suite of software for use in a generic office setting that enhances worker productivity via personal computers on their desktop. New releases of the AdminLan Office Form Facilitator will provide additional forms production capabilities and a pilot of electronic signature/routing of forms. It will also provide a system to track FOIA requests called the Freedom of Information and Tracking System (FOIMATS) and to manage correspondence called the Correspondence Tracking and Information Management System (CTIMS). Additional applications will be built using integrated software called Lotus Notes, which will enable workgroup computing, such as schedule/calendar management, inventory tracking, and shared discussion databases.

10. Computing Infrastructure - The Agency maintains two levels of computing architecture. These can generally be described as mainframe processing and LAN-based personal computers. The Agency is committed to linking the data and data processing power at each of these levels through the desktop personal computer. During FY93, OARM-RTP will continue to provide mainframe data processing capacity for major applications and will be working with OIRM to provide a stable desktop and LAN environment for administrative and programmatic applications. Particular emphasis will be on continuing to provide contractual vehicles through which the Agency can acquire technology and the implementation of valued added backbone LAN services and additional productivity support software. The single largest initiative in FY93 will be establishment of the Agency's National Environmental Supercomputer Center in Bay City, Michigan.

G. BUILDING PUBLIC-PRIVATE PARTNERSHIPS

P3 looks at environmental problems from a cross-program and an intergovernmental perspective. Its goal is to build the Federal, State and local financing capacities and linkages needed for a quality environment. P3 seeks increased environmental investment by leveraging public and private assets. Our strategy involves:

- Improving EPA financial skills for better decision-making;
- Developing effective public financing approaches;
- Building state and local financing capacity; and
- Promoting private investment in environmental services.

Major Activities and Responsibilities - Program implementation is planned and coordinated by headquarters staff in the Office of the Comptroller. Regional coordinators implement P3 in their offices and the States and localities. Headquarters coordinators handle media offices' involvement.

EPA Regional Offices - In FY 1993 we will deepen Regional involvement by designating lead Regions for particular P3 activities. Leads will develop policy, implement pilot programs and help other Regions. They will run franchises in their specialties. This change is crucial to integrating P3 in Agency operations and building support.

The States - State cooperation, assistance and participation is integral to the success of P3. States have a crucial role in looking at incentives and impediments to partnerships. They are central to building relationships with local officials and networking.

EPA Media Offices - Media Offices have an important role in providing input for financing strategies being developed. There is no substitute for their technical expertise and institutional knowledge. These offices must take the lead in outlining the challenges, examining options and presenting innovative and creative solutions.

Supporting Cross-Program and Other Priority Initiatives

1. Improving Cross-Program Integration - P3 is a multi-media program. Through its emphasis on partnerships and financing, it focuses and integrates the work of EPA across program lines to solve environmental problems.

2. Building State and Local Capacity - We have funded twenty P3 demonstration projects covering every Region. The projects show creative ways to finance environmental protection in small communities. This effort will continue in 1993. We will be implementing an innovative environmental finance advisory program for State and local officials. Local officials will be asked to present financing problems to a panel of experts who will advise them on possible solutions.

3. Pollution Prevention - Four demonstration awards to date support pollution prevention activities. We will continue to emphasize pollution prevention in FY 1993.

4. Geographic Targeting - We will develop a geographic information system to track where environmental investments are made. Such information will strongly support the geographic initiatives and help him allocate resources and promote EPA activities and accomplishments.

5. International Cooperation - We are developing an environmental fund in Puerto Rico to promote public-private cooperation in addressing the area's environmental problems. The fund would leverage EPA monies with matching private contributions.

In 1993, P3 will also support improving the marketing of U.S. environmental technology goods and services in Europe and Mexico. This effort is directed at improving competitiveness through the expansion of environmental exports.

6. Market and Economic Incentives EPA's Environmental Financial Advisory Board has issued an advisory on Incentives for Environmental Investment. This paper contains noteworthy ideas on using economic incentives to prevent pollution and reduce costs. In FY 1993, we will continue working with the Board to focus on priorities such as market-based incentives and pollution prevention.

7. Education and Technical Assistance - We plan a program to recognize communities that address environmental financing problems. States will nominate candidates by submitting case studies of success stories. EPA will recognize a winner from each State and share the case studies with communities facing similar problems.

We will work with designated lead Regions and selected major colleges or universities to establish pilot environmental finance centers that will become focal points for education and technical assistance to states and localities. The centers could also serve as valuable training resources and recruitment pools for EPA.

8. Environmental Equity - In line with EPA's efforts to develop linkages with historically black colleges and universities, P3 has begun to work with Morgan State University in the area of environmental finance. We will broaden this effort in FY 1993.

We will be focusing our 1993 P3 demonstration program on small and economically disadvantaged communities. Environmental equity will be a project selection criteria.

H. GRANTS/COOPERATIVE AGREEMENT/INTERAGENCY AGREEMENT MANAGEMENT

General Assistance Management

Regions should evaluate their grants administrative management activities to assure they provide adequate internal controls. In addition, GMOs shall finalize the implementation of the RAGDS and IAMS which are sub-systems of GICS and which are used to generate all EPA assistance agreements and interagency agreements (IAGs). The GMOs should support activities related to the Administrator's priority areas, e.g., state capacity building efforts, multimedia assistance, and international cooperation.

Headquarters Role - The Director, Grants Administration Division (NPM) will chair the Grants Information Management Council of senior program/grant managers who will determine the priority of

enhancements to the Administrator's official database for managing EPA assistance. This Agency wide database, GICS, will provide the basic assistance management data along with program specific information to manage all EPA assistance programs. To guarantee data of the highest integrity, RAGDS and IAMS sub-systems of GICS will be properly supported in each Regional GMO. During FY 1993, the NPM will ensure that the basic grants management training course developed during FY 1991 is presented to regional grants management staff. GAD intends to present the course three times during the year. GAD will continue to develop a grants management curriculum. If appropriate training is not available commercially, the NPM will begin development of additional courses.

Regional Role - During FY 1993, GMOs shall use the Regional Automated Grant Document System/Interagency Agreement System to generate assistance agreements and IAGs and the grant offices shall continue to recommend modifications and improvements to GICS. GMOs shall support activities related to the Administrator's priority areas, e.g., state capacity building efforts, multimedia assistance, and international cooperation. GMOs should continue to perform periodic on-site review of State systems.

Superfund Assistance Management

This guidance identifies assistance agreement and IAG management initiatives which support programs authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA). Through 1994, approximately $5.1 Billion will be available for the Superfund program. Of this amount approximately $10 Million per year will be awarded to States, political subdivisions, thereof, and Federally-recognized Indian Tribal governments in the form of cooperative agreements and grants. EPA will also provide almost $100 Million per year to other Federal agencies through IAGs. The size and complexity of the program requires effective and efficient management to assure its integrity and adequate internal control. To assure this needed integrity and internal control the NPM and regions should:

- Continue to build Regional, other Federal agency, and capability to manage Superfund assistance consistently and effectively;

- Provide training to ensure Regions, other Federal agencies, and recipients understand Superfund requirements and can thus perform responsibly.

These initiatives will be the foundation for assistance and IAG management integrity in the Superfund program nationally.

Headquarters Role - The NPM will provide updated policies and procedures for the award of Superfund cooperative agreements and IAGs, process and manage Headquarters awarded Superfund grants and

IAGs, maintain adequate grants management information in GICS, and provide policy guidance for and oversight of the Regions. The NPM will also provide training programs for Superfund grants specialists and assure appropriate communication and outreach strategies between Headquarter's program offices and the Regional GMOs.

EPA Regional Office - The regions should support the NPM by continuing to provide effective, efficient, and consistent administration of the complex Superfund assistance and IAG program. The GMOs must ensure proper administrative management and oversight of Superfund cooperative agreement and grant recipients and management of IAGs. The GMOs are responsible for ensuring that every assistance agreement and IAG complies with EPA's Superfund administrative and management regulatory and policy requirements. They must also ensure that each assistance agreement and IAG is negotiated, processed and awarded in compliance with all appropriate laws, regulations, Executive Orders, Federal circulars, and other requirements. Data related to all Superfund assistance awards and IAGs will be entered in GICs and used for management reports.

Assistance Support for Alternative Financing/Public-Private Partnership Activities

Regional GMOs must continue to fully support EPA's alternative financing and Public-Private Partnership activities.

During FY 1993 this includes GMO management of State Revolving Fund (SRF) grants consistent with Agency policy on grants administration roles and responsibilities. SRF grants are authorized by the 1987 Amendments to the Clean Water Act. The Act authorizes a total of $8.4 Billion through FY 1994. The major SRF objectives for GMOs include:

- Continuing or instituting effective, efficient, and consistent regional assistance management practices in the SRF program;
- Helping States develop the capability to administer the SRF program consistently and effectively;
- Assuring compliance with the SRF regulation and assuring that nonstatutory/nonregulatory requirements are not imposed on States.
- Participating in the Annual Review required in the SRF program.
- Obtaining staff with appropriate finance skills.

GMOs should also consider other opportunities to involve the private sector in environmental management activities. GMOS should be prepared to support alternative financing for Public-Private Partnership programs (P3) by innovatively assisting management to enhance the Agency's capability to deal with future assistance programs and develop relationships with private sector organizations.

Headquarters Role - During FY 1993, the NPM, in cooperation with the Resource Management Division, will continue to pursue ways to improve financing of environmental needs. The NPM will provide policy and procedural guidance and assure appropriate communication with regional GMOs. In addition, the NPM will oversee the regional GMOs to assure they continue appropriate management responsibility for the SRF program.

Regional Role - Regional GMOs should continue to cooperate with the Grants Administration Division and other regions to develop and share consistent solutions to problems. Regions should take full advantage of OARM systems to support resource needs, internal control efforts, communications, and information management opportunities through RAGDS, IAMS, and GICS and the GICS Management Council.

I. SUSPENSION AND DEBARMENT

All Executive branch Federal agencies have been under a uniform suspension and debarment system for procurement since 1982, and assistance since 1988. In 1993 we anticipate implementing a consolidated government-wide rule for suspension and debarment incorporating both procurement and assistance programs.

In FY 1993 we will continue an aggressive effort to investigate poor performance and misconduct on EPA specific projects as well as auditing settlement agreements on previous actions. Continued emphasis will be placed on Superfund Contract Laboratory program contractor actions and on criminal environmental violation based causes of action. The Division will focus attention on building a Federal/State Partnership in the suspension/debarment program, and develop a coordination strategy with DOD and other agencies concerning lead agency action against multi-agency contractors.

The Grants Administration Division is EPA's central office responsible for the suspension and debarment program. The Offices of General and Regional Counsel and the Office of the Inspector General are also responsible for performing key tasks associated with the government-wide suspension and debarment program. In order that these offices can carry out their duties under the government-wide effort, it is important that EPA management officials understand that suspension and debarment is an important part of their responsibilities as well.

The suspension and debarment program has and is continuing to experience unevenness in the activities reported, investigated and pursued from Region to Region. In FY 1993, the following efforts should be included in preparing workplans:

- All program office managers, both Regional and Headquarters, should emphasize the importance of their responsibility in implementing the Federal effort to combat waste, fraud and abuse through suspension and debarment, and their responsibility to report suspect activity and problem participants to the Compliance Branch, Grants Administration Division, or their Divisional Inspector General.

- The Offices of Regional Counsel should utilize appropriate management tools, including performance standards, to recognize and emphasize activities with associated suspension and debarment.

- Encourage Regional, delegated States, and program offices to obtain training from the Grants Administration Division, as part of their conferences, meetings in an effort to inform and sensitize the various officials responsible for managing EPA funds.

J. SAFETY, HEALTH AND ENVIRONMENTAL MANAGEMENT

It is critical that EPA's internal occupational and environmental risk management programs be the best in the Federal government. To further that objective, program efforts in FY 1992 expanded the agency's national leadership role, policy and program development activities, and national oversight. In both FY 1991 and 1992 there have been an increases in resources for the regional and laboratory programs and an additional increases are projected for FY 1993. This guidance provides direction for those improvements expected in regional and laboratory programs during FY 1993.

NATIONAL ROLE - OARM has developed a long-term strategic plan to improve the credibility of EPA's safety, health and environmental management program and to assure that they become the best in the Federal government.

Those major Safety Health and Environmental Management Division projects that will have a significant impact on regional and laboratory programs during FY 1993 include:

1. Updating Policies and Developing Model Programs. EPA currently does not have policies that establish national programs for some statutory and regulatory mandates, including: Asbestos Management, Diving Safety, Biohazard Management, Radiological Safety, Risk-Based Medical Surveillance Program and Safety, Health and Environmental Management requirements for Real Property Acquisition, Construction, Repair, Improvement and Close Down. During FY 1993, SHEMD will establish national programs in those areas. Emerging areas of concern include development of an internal pollution prevention program for our laboratories and a medical program for EPA employees involved in international

activities. In addition, quality teams will update and review and improve 50% of EPA's safety, health, and environmental program directives/issuances to ensure that they protect the health and safety of our employees and the environment.

2. Systems Development. An automated medical surveillance system will be implemented which will track populations with a high risk of exposure and will be designed to accommodate EPA's unique subpopulations, including older workers and divers.

3. Resource Development and Training. During FY 1992, through our "Center of Excellence" in Region 7, a review and upgrading of EPA's training programs, using multi-media and interactive materials was initiated. In FY 1993, using the information developed during this task, SHEMD will move forward to provide longer-term solutions to EPA's risk-based training needs in the area of safety, health, and environmental management. In addition, we will develop training strategies for senior managers within headquarters offices, regions, and laboratories related to the Agency's internal safety, health, and environmental management programs. With proper training, managers will understand the benefits and value that comprehensive safety, health, and environmental management programs provide.

4. Technical Support and Consultative Services. This includes advice and tools to assist safety, health, and environmental compliance managers in the implementation of environmental statutes, rules and regulations. In FY 1991, SHEMD formed the National Technical Services Center (NTSC) to provide rapid response to technical issues or problems arising at the individual Regional or Laboratory level which have national implications. The NTSC was expanded in FY 1992 to enhance managers' ability to meet the goals and objectives of their local programs efficiently through this centrally supported and funded resource. In FY 1993, the Center will be expanded further through the allocation of additional resources to provide an even greater level of technical support for the regions and laboratories. In addition, SHEMD will put into place a contract to provide the Regions a mechanism to dispose of hazardous waste in an environmentally sound, timely manner in accordance with all federal, state, and local requirements.

5. Audits and Program Evaluations. SHEMD has been conducting technical environmental compliance program audits, safety and occupational health program audits, and fire safety audits of EPA facilities and programs on a three-year cycle (one-third of the agency's facilities and programs are reviewed each year). In FY 1993, we will improve and streamline this process by conducting comprehensive management systems evaluations which combine all these reviews. In addition, a program will be developed to review the implementation of corrective action plans submitted in response to these audit findings.

Regional and Laboratory Role - To complement the additional the additional in FY 1993 resources, regions and laboratories are to increase management commitment, establish standards for managerial and supervisory accountability, and enhance the organizational placement and visibility of safety, health, and environmental management staffs. The major laboratory improvements expected in FY 1993 are:

1. Management Commitment. Regional Administrators and Laboratory Directors are expected to issue updated practices and procedures for their safety, occupational health, and environmental management program. The updated practices and procedures should clarify management's commitment, establish three-five year program goals, and enhancement of program resources and program performance.

2. Managerial and Supervisory Accountability. Performance standards for managers and supervisors are to establish management's role and commitment to providing safe and healthful working conditions and to comply with environmental regulations. Supervisors are to ensure that their employees' position descriptions accurately detail the role of employees in the regional and laboratory safety, health and environmental management program.

3. Organizational Structure and Placement of Program Staff. It is expected that management accountability for the safety, occupational health, and environmental management programs be assigned to one senior management official within the region or laboratory. That assignment is to be in writing and communicated to employees.

4. Self-Assessment to Determine Program Effectiveness and Compliance with Statutory and Regulatory Mandates. It is expected that beginning in FY 1993 each region and laboratory is to conduct an annual internal control review of its safety, occupational health, and environmental management programs to determine the effectiveness of the program and determine if the programs are being implemented in accordance with statutory and regulatory mandates.

5. Program Priorities. Regions and laboratories are to focus their program efforts on the following priorities:

a. Health and Safety Automated Data Systems;
b. Risk-based Medical surveillance program;
c. Automation of inventory systems for hazardous chemicals;
d. Securing and maintaining updated MSDSs for employees;
e. Waste minimization, pollution prevention and waste disposal programs;
f. Risk-based training programs for employees potentially exposed to toxic substances, biological agents, and physical

agents;

g. Evaluation of the effectiveness of Chemical Hygiene Plans for laboratories and hazard communications programs for employees.

K. PERSONAL PROPERTY MANAGEMENT

EPA has expended significant resources in an effort to make major improvements in the area of property management. As a follow-on to the establishment of the Personal Property Accountability System (PPAS) in 1989, improvements and enhancements continue to be made in the system to assist property managers in performing their mission of protecting the Agency's assets. In FY 1991, we increased the threshold of accountable property from $300 to $1,000 to focus attention on the most significant assets. We also upgraded the data base management software to the current version (FOCUS 5.5), which should be completely installed at all accountable areas by the end of FY 1992. This will be followed by the implementation of an enhanced PPAS capability that will permit the system to operate in a local area network environment.

In spite of these improvements, audit findings continue to highlight the inability to trace property items in the system, the failure to sign and submit custodial officer responsibility letters, and the failure to complete and reconcile year-end inventories. All accountable areas must redouble their efforts to ensure that all Superfund and non-Superfund property is properly inventoried, tracked and controlled.

HEADQUARTERS ROLE - Headquarters will conduct quality assurance reviews at regional and field offices, and selected laboratories in FY 1992. These reviews will determine compliance with the Personal Property Management Policy and Procedures Manual. Headquarters will prepare reports of required actions and recommendation that result from these review and the annual Superfund audit and monitor the actions taken by accountable areas to correct any deficiencies. In order to ensure continued compliance in this area, headquarters will conduct the same level of oversight on an ongoing basis in subsequent fiscal years.

REGIONAL ROLE - All regional and field property management officers are required to perform a comprehensive physical inventory of personal property assigned to their accountable areas. These inventories should be properly reconciled and all outstanding issues resolved. Written certification that these inventories have been completed are now required and will continue to be required until each accountable area has successfully completed the above tasks. Regional personnel should continue to participate in ongoing training in PPAS and property management policy and procedures.

L. BUILDING AND FACILITIES

In spite of our substantial investment of Buildings and Facilities (B&F) funds, EPA facilities continue to require increasing resources. We have received significant increases in Repairs & Improvements (R&I) funding from FY 1984 to FY 1991. During this time period we emphasized critical health and environmental compliance projects and have addressed many major problems in these areas. However, our funding for basic repair and upkeep, space alterations, and facility modernization required by our ever changing programs has not kept pace. To emphasize and address these basic requirements, which are not currently being adequately met, we are implementing an Agency-wide facilities Strategic Masterplanning initiative in FY 1992.

HEADQUARTERS ROLE - Programs and regions should specifically identify the impact of program changes through the B&F/Data Telecommunications/Space Call Letter on facilities and adequately request critical projects. This call letter from Headquarters will be the vehicle for the field to advise and report the impact of planned changes back to the budget process so that leases and building and facilities projects can be coordinated.

Headquarters will implement a number of initiatives in order to accomplish these goals more effectively. They include:

- Management Evaluations, New Facilities, Masterplanning and Site Planning
- Fine Tuning the B&F Projects Approval and Outreach Process
- Identification of Funding Requirements and Improved Oversight of the Project Execution Process.

REGIONAL ROLE:

Building and Facilities Project Submissions - To meet our goals, regional justifications for the repair and improvement of facilities must explain how they will: 1) provide a safe and healthful working environment for EPA employees; 2) ensure that EPA facilities meet pollution abatement regulations; 3) provide maintenance of facilities that is essential to prevent and halt deterioration; 4) improve capabilities at research, program, and regional laboratories, so that we can respond to new or existing legislation; and 5) meet the costs required by headquarters, field, and regional office and laboratory, and lease renewals.

Prioritization of B&F projects - Regional projects will be submitted through programs and regions for prioritization by their top management. All projects will also be evaluated and prioritized by OARM from a facilities and resources standpoint and a consideration of resources.

M. SPACE PLANNING

With many leases expiring over the next few years, we need to coordinate and streamline our space planning process. This is particularly important in order to maximize the use of scarce space and buildings and facilities needs.

HEADQUARTERS ROLE - Programs and regions should specifically identify future space needs through the B&F/Data Telecommunications/Space Call Letter on facilities and adequately request critical projects. This call letter from Headquarters will be the vehicle for the field to advise and report the impact of planned changes back to the budget process so that leases and building and facilities projects can be coordinated.

OARM will focus on not only Agency-wide but site specific planning as well to determine the long range investment opportunities available to the Agency. Also, support for specific sites will be considered in the implementation of the Facilities Masterplan and the Agency's strategic plan.

REGIONAL ROLE - With OARM Headquarters lead, all programs and regions will conduct an improved process that integrates space and buildings and facilities planning. This process improves project submissions and planning related to changing programs, missions, and lease conditions.

Space planning submissions must consider 1) move costs; 2) new or expiring leases; 3) needs for special use space; 4) telecommunications needs; 5) buildout needs; and 6) above standard costs.

Office of Enforcement

OFFICE OF ENFORCEMENT
ASSISTANT ADMINISTRATOR'S OVERVIEW

I. AGENCYWIDE ENFORCEMENT GOALS

The Office of Enforcement's (OE) FY 1993 Operating Year Guidance continues to implement the risk-based and targeted approach to enforcement contained in the Enforcement Four-Year Strategic Plan (February 1991), the Enforcement in the 1990's Project (October 1991), and the draft Agencywide Strategic Plan. All three documents maintain an integrated, multi-media focus designed to identify violations involving the most significant environmental and health risks and serve as the foundation for an aggressive cross-media enforcement capability.

Historically, the "core" enforcement program, as well as initiatives, have been media-specific. By FY 1993, however, the core program will have an increasingly multi-media character. Because of its national and multi-media perspective, OE is uniquely positioned to identify environmental national multi-media priorities, to coordinate with the national program offices to develop strategies for addressing them, and to help facilitate their implementation by the Regions and States. OE has to date managed several multi-media program initiatives beyond its traditional support function (e.g., the lead enforcement initiative). These initiatives or enforcement "clusters" will be a key component of EPA's future enforcement program.

Besides working to maintain the record levels of enforcement of the last several years, OE will continue to work to expand the use of innovative enforcement tools (e.g., the use of pollution prevention conditions in enforcement settlements), develop a greater capability to measure and describe the environmental impact of enforcement successes, enhance State/Indian tribe environmental enforcement capabilities, as well as those of other countries, and continue to develop policy and case elevation procedures that strengthen federal facilities enforcement.

OE also will continue working with the media programs to ensure that regulations are clear and readily enforceable. The Agency plans enforceability "field tests" for several proposed regulations in FY 1992, and will continue such efforts in FY 1993.

All of the specific FY 1993 enforcement activities described below directly support the Agency's enforcement themes, priorities, and initiatives, and significantly enhance OE's civil, criminal, and Federal facility enforcement capabilities. In addition to these activities, OE will continue to implement the findings and recommendations resulting from the Enforcement in the 1990's Project.

II. FY 1993 PRIORITIES

A. TARGETING INITIATIVES

1. MULTI-MEDIA

Multi-media enforcement provides great potential for addressing health or environmental risk-based enforcement priorities on a comprehensive basis. In addition to on-going core program efforts, OE will continue to undertake management and coordination efforts with the Programs, Regions, and States to target a limited number of special national enforcement initiatives" that focus on specific sites, geographic areas, pollutants, or industrial sectors with particularly noteworthy environmental problems. Once specific enforcement initiatives are identified, the Agency may "cluster" (i.e., group) individual cases contained within the initiative for filing. The purpose of case "clusters" is to gain maximum deterrence through publicity and facility-specific impact, achieve efficiencies in the case development process, and coordinate settlement options among all participating programs.

In addition to regional geographic priorities, FY 1993 national geographic priorities will continue to include the Chesapeake Bay, the Gulf of Mexico, and the Great Lakes. OE expects enforcement to be a component of the activities related to these geographic priorities. In addition to these enforcement activities, a Multi-Media Workgroup formed by the Agency's Enforcement Management Council (EMC) developed a number of candidates for FY 1993 national initiatives, which have been endorsed by the EMC and which also will be discussed in the near term by the Steering Committee on the State/EPA Enforcement Relationship. These include national initiatives which are already under way and which will continue in FY 1993, including noncompliant industries and the Mexican Border area, and two new initiatives focused on compliance data quality and federal facilities. The opportunities for and level of participation by compliance programs and Regions will depend upon the nature of the initiatives and the presence and detection of pertinent violations.

The Agency is committed to working with the States in planning and implementing these case clusters. State roles will be defined in the Multi-Media Addendum to the Policy Framework for State/EPA Enforcement Agreements, which will be finalized during FY 1992.

The Agency's Multi-media Workgroup, an offshoot of the Enforcement Management Council, which includes members from OE, the compliance programs, and Regions has developed specific multi-media STARS measures beginning with FY 1992, and discussions will continue as to whether the measures will be

applicable to States in FY 1993.

2. MEDIA-SPECIFIC INITIATIVES

In addition to multi-media activities, OE, including the Regional Counsels and criminal and civil investigators, will continue to work with the compliance programs to support FY 1993 single-media initiatives, which have been mutually discussed via the planning process. OE and the media programs will identify specific initiatives in the Spring of 1992 during the annual planning process. Media-specific initiatives will be integrated as part of the national multi-media initiatives where possible.

3. IDEA

Regional and State targeting and screening needs will be supported by the continued enhancement and refinement of the interactive, integrated enforcement data capability, IDEA (Integrated Data for Enforcement Analysis), which will be fully operational in FY 1993 in an easier to use format. IDEA can be used to screen and target multi-media or media-specific enforcement efforts and to identify opportunities for innovative enforcement approaches, such as listing and/or debarment, environmental auditing and pollution prevention.

In FY 1992, the Agency set up a user advisory group, with State participation, and develop procedures for State access. In FY 1993, the Agency will emphasize data quality improvement needs identified by the group; improvements in the overall capability of IDEA; and expanded training and technical support for State users.

B. CASE SCREENING

The Regional case screening process is an important mechanism for implementing the enhanced enforcement approach. Screening ensures that identified violations are assessed for their multi-media potential, appropriate enforcement response (i.e., administrative, civil judicial, or criminal), or innovative enforcement settlement potential. During FY 1992, OE will evaluate the functioning of the Regional case screening procedures and identify ways to best achieve its objectives while minimizing any burdens on the normal case development process. In FY 1993, OE will continue to oversee the operation of the case screening system and develop any new guidance which may be necessary to improve its efficient and effective implementation. OE also will emphasize improving the integration of Federal facilities in the case screening process.

C. BUILDING INSTITUTIONAL RELATIONSHIPS IN ENFORCEMENT

Improved coordination among the levels of government is crucial

to more effective use of compliance and enforcement information and more effective use of enforcement resources.

1. STATES

a. STRATEGIC PLANNING

EPA will continue to work the States more completely into its strategic planning and priority setting process. States will participate in strategic planning. The Agency will discuss and review national and regional single and multi-media priorities as well as State priorities, and explore specific procedures for State participation in the identification and implementation of enforcement initiatives and case clusters.

As noted, the Agency will complete the Multi-Media Addendum to the Policy Framework in FY 1992. While the Addendum does not alter the formal relationship between EPA and States regarding delegated programs, the Agency's increased emphasis on multi-media activities does require enhanced Federal/State relationships. Beginning in FY 1993, the Agency's process for multi-media strategic planning will help ensure that States are involved in the formulation of national multi-media priorities. EPA will solicit State (along with national program and regional) input in the prior fiscal year regarding new multi-media strategic planning or targeting priorities.

EPA also will make the maximum effort to involve States in the actual planning and implementation of enforcement clusters. In FY 1993, each Region should try to undertake and coordinate at least one multi-media enforcement action with one of its States. In order to facilitate this activity, Regions and the individual States should in FY 1992 identify Region or State-specific multi- or single media priorities through their strategic planning process. OE will provide guidance for coordination and communication on multi-media enforcement issues in its FY 1993 State/EPA Agreements Guidance.

OE also will provide technical assistance to States in carrying out their responsibilities under the State revolving loan program.

b. OVERSIGHT OF PENALTIES

During the last several years, many States have expanded their administrative and judicial penalty authorities. As both EPA and State penalties have increased, the Congress, General Accounting Office (GAO) and the public have raised their expectations regarding EPA oversight of State penalty assessments.

During FY 1992, EPA will consider a pilot project, working with two States represented on the Steering Committee on the State\EPA

Enforcement Relationship, to see whether comprehensive information on state penalty performance can be collected and reported. Also in FY 1992, the Steering Committee will recommend whether the Agency should develop a more explicit and rigorous oversight standard based on recouping the economic benefit of noncompliance. Depending on the outcome of the Steering Committee's deliberations, the programs and States could be asked to revise their respective enforcement response policies and/or penalty policies, as appropriate, in FY 1993, to be consistent with any new requirements.

2. TRIBAL GOVERNMENTS

A number of Indian tribes have their own law enforcement and regulatory agencies, courts and environmental codes. These are unique systems that combine traditional tribal values and customs with the practice of modern environmental regulations and enforcement. The Multi-Media Addendum also is applicable to Tribes, and OE-OFA will seek opportunities to use its multi-media grant authority to identify and fund appropriate multi-media projects on Indian reservations in order to gain experience in this new and evolving area of environmental protection.

3. LOCAL GOVERNMENTS

Environmental laws are regulating more and smaller sources, and support from expanded local environmental enforcement is critical. In FY 1992, OE, with the Programs, Regions and States, will be identifying environmental programs which may be amenable to an expanded local role and which local programs/agencies may be amenable to taking on civil and criminal compliance monitoring and enforcement activities. Each Region was asked to develop one new relationship in FY 1992 with a local government in one of the following areas: 1) reporting violations to Federal or State agencies; 2) gathering evidence in support of Federal or State enforcement actions 3) enforcing Federal regulations; and 4) providing additional compliance "outreach" to the regulated community.

In FY 1993, OE will work with Programs and Regions and States to evaluate the relationships established the previous year and disseminate information to State associations. OE also will encourage the Regions to work with State regulatory agencies to identify the role that local governmental units should play in enforcing the requirements of state environmental programs. Such studies of state-specific programs, authorities, structures, and state/local relationships will form the groundwork for establishment of new enforcement relationships.

4. INTERNATIONAL ACTIVITIES

Both the Agencywide Strategy and the OE Four-Year Strategic Plan

recognize the transnational aspects of environmental protection. OE has developed an international strategy which emphasizes U.S. leadership in, among other things, activities to stop the illegal transboundary movements of hazardous and toxic substances, and increased international cooperation and capacity building.

To support this last aspect of the strategy, for example, OE co-sponsored International Enforcement Workshops on the Environment in the Netherlands in May 1990 and will hold another such conference in Budapest in September 1992. Additionally, OE has developed a course on the "Principles of Environmental Enforcement" at the request of the Polish government. In FY 1993, OE, in cooperation with OIA, will identify and train U.S. facilitators to meet international requests for training "in-country" facilitators for this course.

In FY 1993, OE also will support international enforcement initiatives on both a program-specific and multi-media basis. OE will emphasize environmental problems along the U.S.- Mexican border by training both U.S. and Mexican investigative personnel, and undertaking enforcement actions coordinated with Mexico.

OE will continue working with international organizations and the multi-lateral development banks on environmental assessment processes, and will work with CEQ, the State Department and the Government of Canada to implement the international covenant on transboundary impacts that has been negotiated under the auspices of the U.N.Economic Commission for Europe and signed by both the U.S. and Canada.

D. INNOVATIVE ENFORCEMENT

The Enforcement in the 1990's Project has identified a number of approaches which "leverage" the deterrent or environmental impact of individual enforcement actions which the programs and Regions will employ in FY 1992 and FY 1993. During the remainder of FY 1992, OE will establish a series of "Innovative Enforcement Networks", consisting of Headquarters, Regional, and State personnel, that will disseminate information about these approaches. Some of the major approaches that will be expanded in FY 1993 include:

a. POLLUTION PREVENTION

In FY 1991, the Agency issued two policies relating to the systematic use of pollution prevention in the enforcement process: the Policy on the Use of Supplemental Environmental Projects (SEPS) in Enforcement Settlements, and the Interim Policy on the Inclusion of Pollution Prevention and Recycling Provisions in Enforcement Settlements. During FY 1992, OE and the participating compliance programs will complete the "two percent" enforcement pilot project on negotiating pollution

prevention conditions in Agency settlements. In addition, ORD is developing an enforcement "mini-exchange" as part of the Pollution Prevention Electronic Information System (PPEIS). The mini-exchange will contain copies of all consent orders and decrees containing pollution prevention settlement conditions, along with an aggregate data base, and is a tool the Regions can use to help develop or evaluate pollution prevention settlement options. In order to develop the data base, Regions will complete case-settlement data forms for all pollution prevention settlements, which will then be entered into the mini-exchange by ORD/OE.

Following the completion and evaluation of the "two percent project," OE will, in FY 1993, revise and make final the interim settlement policy. The Regions will be encouraged to continue to expand the use of pollution prevention conditions in enforcement settlements, and to provide, as resources may permit, technical support to States so that they also may utilize pollution prevention in their enforcement programs.

b. CONTRACTOR LISTING/SUSPENSION AND DEBARMENT

Contractor Listing authority prohibits Federal contracts, loans or grants to facilities violating the Clean Air or Clean Water Acts. The Federal Acquisition Regulation (FAR) includes procedures for barring contractors from participating in Federal procurement based on offenses such as fraud or lack of performance integrity. Both are powerful deterrent tools to reinforce environmental compliance.

In FY 1992, the contractor listing program will continue regional review of ongoing violations for listing possibilities. In FY 1993, the Regions should continue to look for opportunities for both discretionary and mandatory listing, especially for serious violations of Administrative Orders and Consent Decrees. The Regions should also make more use of suspension/debarment for violators of all environmental statutes, repeat violators, and multi-media violators.

c. Field Citations

During the last year, the UST program issued final guidance for Federal field citations in enforcement, and the Stationary Air program is currently developing a field citation program after receiving this authority in the 1990 Clean Air Act amendments. The experience using this tool under the Clean Air Act will guide its use in other program areas.

E. TRAINING

The National Enforcement Training Institute (NETI) will be operational in FY 1993. NETI will equip Federal, State, Tribal,

and local enforcement personnel -- inspectors, investigators, technical experts, civil attorneys, and prosecutors -- with the tools necessary to implement the Agency's goal of a multi-media, multi-disciplinary approach to enforcement. NETI will continue course development and delivery, particularly of a basic enforcement course covering all phases from planning for inspections through negotiations and litigation.

The NETI will expand delivery of the Agency's basic inspector training program to reach as many States and Tribes as possible, develop and deliver new training for the civil and criminal investigator programs, and assist in the development of enforcement program-specific training. NETI also will use the four Regional State Associations to expand delivery of enforcement training, including BEN/ABEL and IDEA training.

F. ENVIRONMENTAL MEASURES/COMMUNICATIONS

While the Agency's traditional "quantitative" enforcement measures (e.g., total number of inspections, administrative, civil, and criminal referrals, aggregate penalty amount, etc.) are one means of measuring the vitality of the enforcement program, the Agency's recent emphasis on risk reduction and the most environmentally significant cases highlights the corresponding need for more "qualitative" measures of enforcement success. The programs have already taken several steps in this area, beginning with a reevaluation of their definitions of "significant noncompliance" in order to ensure that they emphasize environmentally significant priorities. Similarly, with respect to Federal facilities cases, DOD and DOE have expressed significant interest in working with the Agency on measuring environmental results, and are willing to devote resources to this task.

The Agency's Accountability Task Force and Environmental Indicators Work Group are currently evaluating how the Agency should transition towards improved environmental measures. Beginning in FY 1992 and continuing in FY 1993, each compliance program, in conjunction with OE and OPPE, will attempt to develop indicators of the environmental impact of its enforcement activities. Key characteristics of environmental indicators include grounding in sound scientific knowledge, reliance on an adequate data base, and the ability to identify and track environmental progress. The programs also will attempt to develop case-by-case indicators, e.g., the amount of pollution or emissions reduced, eliminated or prevented by the enforcement action, ecosystem restoration and enhancement, etc., as well as analyzing the results of effectiveness studies of enforcement initiatives. EPA also will encourage and test the use of environmental results measures with some States as it implements its system for reporting and recording the results of individual actions.

A related aspect of measuring environmental success is to effectively communicate the results of enforcement activity to the public. Following the development of environmental measures and indicators, both the annual OE Accomplishments Report and Regional accomplishment reports will, to the maximum extent practicable, describe the environmental "impact" of enforcement actions. OE also will seek to include more comprehensive information on State enforcement accomplishments in its annual report. This may signal a need for additional information from the States and a process and schedule for making the information available to EPA.

III. CRIMINAL ENFORCEMENT PROGRAM

Criminal prosecution is the Agency's most powerful enforcement sanction and creates the strongest deterrence. The continued expansion of the criminal enforcement program also serves as the most dramatic and public affirmation of the Agency's continuing resolve to "be tough" with violators. In FY 1993, the criminal enforcement program will continue to support the Headquarters and Regional enforcement priorities by becoming fully integrated with the compliance programs.

In addition to supporting the program-specific enforcement priorities, The Office of Criminal Enforcement, which participates in the EMC, also will support multi-media enforcement initiatives and clusters endorsed by that group. A key mechanism to implement this goal is the continued involvement of the Special Agents and criminal enforcement attorneys in the Regional Case Screening process to exchange information regarding program priorities and suspected violators.

In FY 1993, the Office of Criminal Enforcement (OCE) will work closely with the media programs to implement the new Guidelines of the U.S. Sentencing Commission for Organizational Defendants (primarily corporations) convicted of environmental crimes. Implementing these Guidelines will call for extensive Regional program technical input and coordination to develop recommended conditions of corporate probation including restitution, remediation, and compliance-related relief. As part of the implementation of the Guidelines, OCE and the programs will consider whether to develop a non-targeted STARS measure for FY 1993 to recognize the technical support the programs provide. The goal is smooth coordination within the limited timeframes, so that EPA can provide support to sentencing judges and probation officers.

With the passage of the Pollution Prosecution Act of 1990, EPA's criminal enforcement program will grow dramatically in the numbers of Special Agents and support personnel (e.g., the Act requires the Agency to have not less than 110 criminal investigators on board during FY 1993). In addition to recruiting

experienced law enforcement professionals, the program also will recruit from experienced EPA civil inspectors and other program personnel those individuals who meet the qualifications for selection as EPA criminal investigators. OCE also plans to recruit, hire, and retain qualified applicants including minorities and women. The careful selection, training, and orientation of all new Special Agents and support personnel will be an annual priority for the program.

Through a network of Regional Criminal Enforcement Counsels (RCECs) under the Offices of Regional Counsel, the Special Agents in the field have direct access to EPA legal support. The Regions will be delegated more responsibility, while the case-specific role of Headquarters attorneys will be limited to cases which are precedential, international, or nationally significant. Because of the multi-media, complex, and high-stakes (and thus sensitive and visible) nature of criminal enforcement, it will remain a national program.

The Office of Criminal Enforcement at Headquarters will also support the field by providing top-level management of the Special Agents, improving the criminal enforceability of legislation and regulations, maintaining liaison with international, interagency, and intra-agency (EPA Headquarters) offices with an interest in criminal enforcement, and assuring that training is provided for field personnel. Like the Regional contingents of criminal enforcement personnel who operate as part of the Regional case screening process, the Headquarters unit will share the goal of assuring the fullest possible participation by all EPA personnel who would improve the application of criminal enforcement in support of Agency enforcement priorities.

The Agency will continue its efforts to enhance the criminal enforcement capabilities of States, local governments, and Indian tribes. In FY 1992, the Agency will complete a Criminal Enforcement Addendum to the Policy Framework for EPA/State Enforcement Agreements. This Addendum will encourage more regular and comprehensive communication and coordination among Federal, State and local criminal law enforcement officials.

In FY 1993, EPA's special agents will expand their participation in Federal/State Law Enforcement Coordinating Committees to coordinate case-related activity and the four Regional State Associations to enhance institutional relationships. Each SAIC, in conjunction with the DRA, also will work with each of their States to designate a State criminal enforcement contact to serve as a focal point for exchanging information regarding the status of criminal investigations and cases, cross referral of cases, technical support and training, and coordination of State/Federal civil and criminal proceedings.

Finally, OE will work through the four Regional State Association law enforcement networks in FY 1992 to seek more complete and accurate reporting of non-Federal environmental crimes data, so that this information will be fully available for FY 1993.

The criminal enforcement program and NEIC will also continue to provide training in criminal enforcement techniques to State, local and tribal personnel through the association networks, FLETC, and NETI, including the tribal investigator training pilot developed by OE-FLETC and OFA.

IV. FEDERAL FACILITIES ENFORCEMENT

The Office of Federal Facilities Enforcement (OFFE) is a multi-media enforcement office devoted to environmental cleanup and compliance at Federal facilities. In FY 1993, OFFE, working with the media program offices, Regions, States, and other Federal agencies, will work to significantly reduce the environmental and public health risks and create adequate incentives to ensure that Federal facilities become models of compliance. OFFE will work with the Regions to formulate effective enforcement strategies and with appropriate Headquarters offices in coordinating multi-media and media-specific case development, in developing multi-media budgeting incentives, in defining pollution prevention opportunities, assessing technology development options, and in establishing personnel monitoring programs.

In FY 1993, OFFE will continue to implement these major program areas:

1. ENVIRONMENTAL RESTORATION

Environmental restoration under CERCLA and RCRA will continue to be a primary program emphasis. All 116 Federal facilities on the final National Priorities List in FY 1992 will be subject to an enforceable Interagency Agreement (IAG), the fundamental enforcement vehicle for Federal facilities under the Superfund program. Regions should continue to provide aggressive oversight through the IAG to ensure that Federal response efforts are thorough and on schedule. As sites proceed to the remedial action phase, Regions must also work with Federal Agencies to utilize expedited response actions (ERA's) in order to streamline the process.

Regions must also pay close attention to the statutory requirement for initiation of the remedial action within 15 months of completion of the Record of Decision (ROD). OFFE will be considering development of accountability measures to ensure this requirement is met.

To promote leveraging of Agency resources, Regions should seek enforceable cleanup agreements, such as CERCLA section 106 orders

and RCRA section 3008(h) orders, wherever responsible Federal agencies can be identified. These tools will be used at non-NPL Federal facilities and third party sites involving Federal facilities (e.g., DOD surplus materials sites) when warranted.

By applying the lessons learned from the Superfund program, the Federal facilities program will seek to leverage limited resources. Several important working groups have also been established to identify the barriers to increased program performance. These groups include the EPA Leadership Council and the Federal Facilities Interagency Experts Group. These bodies will continue to meet throughout FY 1993 to develop effective solutions to complex program issues.

Cleanup at DOD bases on the base closure list will also be a high priority. EPA supports reutilization of the bases in coordination with fulfilling statutory responsibilities under CERCLA. OFFE will continue to work with the regions on procedures to streamline the cleanup process and implementing policy on EPA's involvement in transfer decisions.

Finally, in conjunction with ORD, ORP, other Federal agencies, and States, OFFE is pursuing the development and testing of innovative technologies at Federal facilities. While there are numerous benefits associated with innovative technology development, the most important include reduced costs, expedited cleanups, and more effective environmental solutions.

2. ENVIRONMENTAL COMPLIANCE

A major goal of the program is to ensure that Federal facilities compliance rates are at least equal to that of the private sector. In FY 1992, OFFE, in cooperation with the regions, developed the Federal Facilities Tracking System (FFTS), a computerized data base which links enforcement data from each of the eight primary media data bases. FFTS, operating in conjunction with the IDEA capability, TRI, and regional targeting programs, tracks compliance at Federal facilities and enables Regions to target high priority facilities.

Federal facilities will also be targeted through various strategic planning processes. For example, if there is a high concentration of Federal facilities within an area identified as a Geographic Initiative, the development of a special Federal facilities component will be encouraged.

Joint EPA and state multi-media inspections at targeted facilities will constitute the second phase of the enforcement strategy in FY 1993. Interdisciplinary regional and, as appropriate, State teams should then develop timely enforcement responses at non-compliant facilities. Settlements will, to the maximum extent practicable, incorporate pollution prevention

principles and consider efficiencies that can be created through Agency or Department-wide solutions. Proper communication and tracking of enforcement actions are critical for leveraging limited resources. Regions and States are expected to take all necessary steps to ensure accurate data on compliance and the status of enforcement actions in the media data bases.

To foster compliance prior to formal enforcement, inspectors will be encouraged to provide information on pollution prevention principles and OFFE will continue to promote environmental auditing and pollution prevention through annual multi-media conferences for Federal facilities in each of the ten Regions, consistent with the separation of the enforcement and technical information functions for inspectors.

Regional Federal Facilities Coordinators (FFC's) will continue to play an integral role in all phases of the Federal facilities multi-media enforcement program, e.g., through including extensive outreach efforts, conducting multi-media Federal facilities conferences and roundtables, and supporting targeting, inspections, and enforcement responses at Federal facilities. OFFE also will continue to work with FFC's, OMB and other Federal agencies to improve the A-106 budget planning reviews.

V. FEDERAL ACTIVITIES PROGRAM

The Office of Federal Activities (OFA) is responsible for coordinating with Federal agencies on major projects and ensuring that those agencies conduct their activities in as environmentally sound manner as possible, ensuring EPA compliance with the National Environmental Policy Act (NEPA), cross-cutting statutes (e.g., the Endangered Species Act), environmental review requirements which are functionally equivalent to NEPA, coordinating EPA programs as they relate to Indian tribes and developing environmental control capacity on Indian lands through implementation of the Indian multi-media grants program. It will emphasize these programs in FY 1993:

1. ENVIRONMENTAL REVIEW PROGRAM (ERP)

The focus of this program is on prevention of environmental problems and ecological damage from proposed major Federal projects and activities. Priority activities which will be maintained in FY 1993 include: 1) reviewing all draft environmental impact statements (EISs); 2) targeting final EISs and follow-up activities to ensure that resources are concentrated on those projects with significant environmental problems; and 3) targeting EPA high priority areas that are affected by Federal agency activities.

In FY 1993, OFA will conduct initiatives consistent with the Strategic Plan. First, OFA will continue to target pollution prevention in those Federal agency activities that will result in significant environmental impacts, emphasizing two primary criteria: 1) sensitive environmental areas for special consideration and 2) high priority problem areas where the Agency's direct regulatory authority is weak and Federal agencies are significant players. On the basis of the second criterion, the FY 1993 ERP program will target mining activities and non-point source pollution on Federal lands. Second, OFA will work with the Council on Environmental Quality (CEQ) to emphasize implementation of NEPA's pollution prevention goals. Third, OFA will work to ensure that environmentally significant issues are dealt with as a first priority and ensure early communication of Agency concerns to Federal agencies.

2. NEPA COMPLIANCE

The focus of this program is on ensuring EPA compliance with the goals and/or requirements of NEPA and related laws and regulations. Major FY 1993 activities include: providing technical assistance to State environmental agencies carrying out reviews for State Revolving Funds; assisting other EPA program offices with site-specific evaluations; acting as a cooperating agency with lead Federal agencies proposing projects that impact EPA's regulatory responsibility areas; increasing efforts to assure that EPA complies with NEPA on its new source NPDES permits, research and development and facilities activities; improving communication with other Federal agencies responsible for implementing environmental laws and orders with which EPA must comply and assisting EPA programs in that compliance; and evaluating the effectiveness of NEPA compliance efforts on selected projects (this comprehensive list is not meant to reflect any priority order).

OFA will continue to focus on ensuring that EPA avoids unanticipated environmental impacts from its decisions promoting information exchange with the public about the impacts of proposed EPA actions and assisting in the development of Agency-wide and program-specific ecological risk assessment procedures. Further, under the NEPA compliance program, OFA works with the EPA Office of International Activities to assist the Treasury Department in nurturing the environmental review capabilities of developing countries and multilateral lending agencies.

In the international environmental assessment area, OFA will continue to build upon the EA opportunities in the Eastern European Block, developing countries, and particularly with Mexico, following its successful development of the NAFTA Environmental Trade document.

3. INDIAN PROGRAM

The Indian Program will build upon the successes of the multi-media grant program to ensure environmental protection on Indian lands through capacity development efforts with selected tribes. The FY 1992 objective is to continue to develop the Program with an emphasis on tribal capacity building to identify and respond to current and potential environmental problems and to enforce tribal ordinances as well as Federal statues upon their delegation to the tribes.

Some of the significant FY 1993 activities under this program include: increasing direct programmatic activity on reservations; providing direct technical assistance to tribal governments; assisting tribes with the development of tribal environmental management plans; strengthening outreach and liaison activities with tribal governments; strengthening external liaison with Indian tribal organizations and other Federal agencies; and conducting an inventory of environmental conditions and needs on Indian lands (this comprehensive list is not meant to reflect any priority order).

Appendix: Strategic Targeted Activities for Results Systems (STARS) FY 1993 Measures

GOAL: PUBLIC WATER SYSTEM SUPERVISION PROGRAM (PWSS): PROTECT THE QUALITY OF DRINKING WATER

OBJECTIVE: Protect public health through ensuring compliance with drinking water standards.

MEASURE: (a) Negotiate, with each State, annual targets for the number of Significant NonCompliers (SNCs) and the number of exceptions that will be appropriately addressed through State or Regional actions, or returned to compliance by June 1, 1993, and reported to OGWDW by June 22, 1993 for each of the two categories listed below. The target numbers will be based on the number of SNCs occurring as of the compliance period ending March 31, 1992, and the number of exceptions existing as of June 1, 1992 (both will be contained on the July 1992 SNC/Exception Report):

1) micro/turbidity SNCs and exceptions; and
2) chem/rad SNCs and exceptions
(Note: data are lagged one quarter.)

STARS CODE: DW/E-1
TARGETED: Q 3
REPORTED ONLY:
SUNSET:

MEASURE: (b) Report, using the SNC/Exception Report format, those systems identified as SNC/Exceptions that: returned to compliance; had an appropriate enforcement action taken against them; or remained unaddressed. Report separately for each of the following groups:

1) micro/turbidity SNCs and exceptions
2) chem/rad SNCs and exceptions

STARS CODE: DW/E-2
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET:

MEASURE: Report by State those which have adopted new regulations, States which have received EPA approval of a primacy revision application, and States which have received approvals for an extension.

STARS CODE: DW/E-3
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET:

OFFICE OF WATER
FY 1993

Public Water System Supervision Program

DW/E-1 Each Region shall negotiate with each State, annual targets for the number of SNCs and the number of exceptions that will be appropriately addressed or returned to compliance by June 1, 1993. These annual targets shall include both State and Regional commitments for the number os SNCs and execptions that will be appropriately addressed or returned to compliance. States and Regions shall set two targets, one for the microbiological/turbidity SNCs and exceptions, and one for the chemical and radiological SNCs & exceptions. The baseline for the targets shall be the number of systems contained on the July 1992 SNC/Exception Report which will be provided by OGWDW to the Regions in mid to late July 1992. This report will include the systems identified as SNCs for the first time as of the compliance period ending March 31, 1992, those previously identified for which "timely and appropriate" has not expired and the systems identified by the Regions as exceptions as of June 1, 1991. Targets shall be set based on the number of those SNCs and exceptions that will be appropriately addressed or returned to compliance by June 1, 1993. Regions are to negotiate each State's target based upon the State's current compliance statistics and capabilities for violation reduction. HQ will allow Regions/States to substitute higher priority systems for those on the "fixed base list" on a case by case basis. An SNC is a public water system which meets any of the criteria listed on the following chart:

Significant Noncompliance - (SNC) Definitions

Total Coliform Rule (TCR) MCL

MONTHLY MONITORING: ≥ 4 acute/monthly MCL violations in any 12 consecutive months.

QUARTERLY MONITORING: ≥ 3 acute/monthly MCL violations in any 4 consecutive quarters.

ANNUAL MONITORING: ≥ 2 acute/monthly MCL violations in any 2 consecutive periods.

Total Coliform Rule (TCR) M/R

MONTHLY MONITORING: In any 12 consecutive months, meeting one of the following criteria:

- ≥ 4 major repeat M/R violations
- ≥ 4 combined major repeat M/R and MCL violations
- ≥ 6 combined major repeat M/R, major routine M/R, and/or MCL violations
- ≥ 10 combined major/minor routine/repeat M/R and/or MCL violations

QUARTERLY MONITORING: In any 4 consecutive quarters, meeting one the following criteria:

- ≥ 3 major repeat M/R violations
- ≥ 3 major repeat M/R, major routine M/R and/or MCL violations

ANNUAL MONITORING: In any 2 consecutive one-year periods, meeting one of the following criteria:

- ≥ 2 major repeat M/R violations
- ≥ 2 combined major repeat M/R, major routine M/R, and/or MCL violations

Turbidity MCL

MONTHLY MONITORING: ≥ 4 MCL violations in any 12 consecutive months.

QUARTERLY MONITORING: ≥ 2 MCL violations in any 4 consecutive quarters.

Turbidity M/R and Combined M/R and MCL

Monthly MONITORING: In any 12 consecutive months, having either of the following:

- ≥ 6 major M/R and/or MCL violations
- ≥ 10 major/minor M/R and/or MCL violations

QUARTERLY MONITORING: ≥ 3 major M/R and/or MCL violations in any 4 consecutive quarters.

ANNUAL MONITORING: ≥ 2 major M/R and/or MCL violations in any 2 consecutive one-year periods.

Chemical/Radiological MCL (excluding Nitrate)

Exceeds the short term acceptable risk to health level.

Nitrate MCL

> 10 mg/1.

Chemical/Radiological M/R

Fails to monitor for, or report the results of any regulated contaminant for ≥ 2 consecutive compliance periods.

Public Notification

Failure to provide public notification of the violation which caused the system to become a SNC.

Significant Noncompliance - (SNC) Definitions

Surface Water Treatment Rule (SWTR)

UNFILTERED SYSTEMS:

A system informed of the requirement to filter before January 1992 that does not install filtration by June 29, 1993,

- OR -

A system informed of the requirement to filter after December 1991 that does not install filtration within 18 months of being informed that filtration is required.

- OR -

A system that has 3 or more major M/R violations in any 12 consecutive months.

FILTERED SYSTEMS:

A system that has 4 or more treatment technique violations in any 12 consecutive months,

- OR -

A system that has a combination of 6 violations including treatment technique violations and major M/R violations in any 12 consecutive months.

FOOTNOTES

(1) A "major" M/R violation (except for SWTR) occurs when no samples are taken or no results are reported during a compliance period. For SWTR, a major M/R violation occurs when at least 90% of the required samples are not taken or results reported during a reporting period.

(2) A "minor" M/R violation (except for SWTR) occurs when an insufficient number of samples are taken or incomplete results are reported during a compliance period. For SWTR, a minor violation occurs when less than 100% but more than 90% of the required samples are not taken or results reported during a reporting period.

(3) SNC definition is modified to cover new regulations as they are promulgated. At this writing, the SNC definition for the Lead and Copper regulation has been proposed and discussed with the regions. The definition will be finalized shortly and issued in a memorandum.

(4) For details on the SNC definition, please see the following memorandum:

(a) "Revised Definition of Significant Noncomplier (SNC) and the Model for Escalating Responses to Violations in the PWSS Program." May 22, 1990. [Water Supply Guidance #70]

(b) "Final SNC Definition for the TCR and proposed SNC Definition for the SWTR." December 19, 1990. [Water Supply Guidance #80]

(c) "Final SNC Definition for the SWTR." February 28, 1991. [Water Supply Guidance #82]

OFFICE OF WATER
FY 1993

Public Water System Supervision Program

DW/E-2 This measure will report those systems, which met any of the SNC/exception criteria, which returned to compliance, had an appropriate enforcement action taken against them, or remain unaddressed. In addition to reporting system by system follow-up information, Regions are to report summary numbers, one for each of the following categories: 1) micro/turbidity SNCs; 2) chemical/radiological SNCs; 3) micro/turbidity exceptions; and 4) chemical/radiological exceptions.

"Returned to Compliance" for SNC/exceptions of a microbiological MCL and/or M/R requirement, a turbidity MCL and/or M/R requirement, a turbidity MCL and/or M/R requirement, or a TTHM M/R requirement, is having no months of violations (either MCL or M/R), of the same contaminant which caused the system to become a SNC, during the six month period after the system was identified as a SNC.

"Returned to Compliance" for SNC/exceptions of a chemical or radiological analytical level is conducting analyses that demonstrate that the system no longer exceeds the MCL.

"Returned to Compliance" for SNC/exceptions of a chemical (other than TTHM) or radiological monitoring requirement is conducting the required monitoring and determining that the system does not exceed the MCL.

An "appropriate enforcement action" for SNC/exceptions is any of the following:

(a) the issuance of a bilateral, written compliance agreement signed by both parties, which includes a compliance schedule (only appropriate for use by States).

(b) the issuance of a State or final Federal Administrative Order, or Compliance Order.

DW-E-2 cont.

(c) the referral of a civil judicial case to the State Attorney General, or DOJ.

(d) the filing of a criminal case in an appropriate State or U.S. District court.

Timeliness for SNCs is eight months after the system became an SNC. (Two months for the State to determine, and become aware of, the system's SNC status and six months in which to complete the follow-up/enforcement action).

An "exception" is a system which was: a) a SNC which has not returned to compliance or was not addressed timely and/or appropriately, b) a SNC previously addressed appropriately which fails by more than 60 days to meet a milestone of a compliance schedule, or c) a SNC system appropriately addressed by referring a civil or criminal case to the State AG but which has not been filed within 120 days of the referral.

DW/E-3 Regions will report those States which have adopted newly promulgated drinking water regulations and the date these rules were adopted. Regions will also report those States which have received EPA approval of their primacy program revision application and the States which have received approval of any extension.

Note: OGWDW will provide the form for this report.

OFFICE OF WATER
FY 1993
Program Area: Underground Injection Control

GOAL: PROTECT UNDERGROUND SOURCES OF DRINKING WATER FROM ENDANGERMENT BY SUBSURFACE EMPLACEMENT OF FLUIDS THROUGH WELLS.

OBJECTIVE: Ensure that wells are operating safely and take appropriate enforcement action where necessary.

MEASURE:	Report, by Region and State, progress against quarterly targets for the number of wells that have mechanical integrity tests (MITs) performed by operators and verified by EPA, States and Indian Tribes with primacy.	STARS CODE: DW-1 TARGETED: Q 2,3,4 REPORTED ONLY: SUNSET:
MEASURE:	Identify, by Region, for EPA, States and Indian Tribes with primacy, the number of wells in significant noncompliance and the number of wells that appear on the Exceptions List from the date the violation becomes an exception through the date the violation is resolved, noting the date the final enforcement action was taken, if any.	STARS CODE: DW/E-4 TARGETED: REPORTED ONLY: Q 2,3,4 SUNSET:
MEASURE:	Report, by Region, for EPA, States and Indian Tribes with primacy the number of Class IV and endangering Class V injection well closures (by well type) achieved under UIC authority or in conjunction with other regulatory programs such as RCRA, UST, CERCLA, for example, or under well head protection efforts.	STARS CODE: DW/E-5 TARGETED: REPORTED ONLY: Q 2,3,4 SUNSET:

DW-1 A complete MIT is composed of a test for significant leaks in the casing, tubing or packer and a test for significant fluid migration into a USDW through vertical channels adjacent to the well bore. A MIT consists of a field test on a well or an evaluation of a well's monitoring records (i.e., annulus pressure, etc.) or cement records.

DW/E-4 This measure tracks those wells in significant noncompliance, where timely and appropriate enforcement actions have not been taken. The term "significant noncompliance" means: (a) any violation by the owner/operator of a Class I or a Class IV well, (b) the following violations by the owner/operator of a Class II, III or V well: (1) any unauthorized emplacement of fluids (where formal authorization is required); (2) well operation without mechanical integrity which causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (3) well operation at an injection pressure that exceeds the permitted or authorized injection pressure and causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (4) failure to perform an MIT when requested; (5) the plugging and abandonment of an injection well in an unauthorized manner; (6) any violation of a formal enforcement action, including an administrative or judicial order, consent agreement, judgement of equivalent State or Indian Tribe action; (7) the knowing submission or use of false information in a permit application, periodic report or special request for information about a well. NOTE: in the absence of information to the contrary, MIT failures and pressure exceedances are presumed to be SNCs.

The State or Region should take one of the following actions within 90 days after the SNC is identified: (1) verify that the owner/operator has returned to compliance; (2) place the owner/operator on an enforceable compliance schedule and track to ensure future compliance; or (3) initiate a formal enforcement action against the owner/operator. A formal enforcement action is any of the following: (a) the issuance of a proposed Administrative Order by EPA; (b) the referral of a civil judicial case to the State Attorney General or to DOJ by EPA; (c) the filing of a criminal case in an appropriate State or U.S. District Court; or (d) the issuance of an equivalent State enforcement action which meets the criteria for a formal action, e.g. pipeline severance.

The performance expectation is that all facilities on the Exceptions List should be removed as quickly as possible. Only in unique situations should any facility appearing on the Exceptions List in the first quarter remain on the list through the entire fiscal year, and in such cases Regions and States should provide adequate documentation in each case file regarding reasons for lack of resolution.

DW/E-5 (See: UIC Program Guidances #62 on ranking endangering Class V wells and #66 on Class IV and the TC Rule.)

Class IV includes any unauthorized hazardous waste (defined under RCRA) injection practice that typically discharges directly into or above a USDW or violates CFR 144.13.

Endangering Class V well types ranked by priority for permit and enforcement actions include industrial drainage, industrial waste disposal, motor vehicle facility waste disposal and any other Class V well(s) that the Region has identified as special problems.

Well closure describes a process to permanently discontinue injection of an unauthorized and endangering fluid contaminant which is in violation of RCRA or SDWA or applicable regulations. At this time, closure **must** include immediate cessation of injection of unauthorized waste stream to satisfy SDWA requirements. To satisfy both SDWA and RCRA, well closure may require additional actions:

-- Remove injection fluids deposited in well, sludge and any visibly contaminated soil.
-- Segregate hazardous waste streams from sanitary waste streams (septic system) and redirect HW to holding tank.
-- Restrict injection to authorized waste stream.
-- Seal floor drain.
-- Obtain authorized sewer hook-up.
-- Remove well, injectate and contaminated soil; dispose in authorized facility.
-- Imminent threat to USDW may require monitoring and ground-water remediation.

OFFICE OF WATER
FY 1993
Program Area: COMPREHENSIVE STATE GROUND-WATER PROTECTION PROGRAMS

GOAL: PROMOTE COMPREHENSIVE STATE GROUND-WATER PROGRAMS

OBJECTIVE: Strengthen States' capability to develop/implement programs which focus on the comprehensive protection of ground water resources.

MEASURE: Report, by State, progress made toward developing and implementing activities that address identified gaps in the elements established in the Comprehensive Ground Water Protection Guidance. This report must also include the designation of a coordination point for overall activities related to the development and implementation of a Comprehensive State Ground Water Protection Program (CSGWPP).

STARS CODE: GW-1
TARGETED:
REPORTED: Q 4
SUNSET:

OFFICE OF WATER
FY 1993
Program Area: COMPREHENSIVE STATE GROUND WATER PROTECTION PROGRAMS

GW-1 Each State will be moving forward during FY 93 to fill the gaps identified between its ground water program profiles and the Comprehensive Ground Water Protection Guidance, which will be developed in FY 92 based upon the EPA/State Roundtables. This measure tracks progress on a State by State, element by element level to determine progress toward a complete and comprehensive ground water protection program. While not every State may complete all activities fully in FY 93, our expectation is that considerable progress should be achieved with all States fully implementing a comprehensive program by November 2, 1996. For the key element required for FY 93, we expect the following information:

Coordination Point: Each State needs to identify a coordination point, which may be an agency, an advisory or coordinating committee, with responsibility for oversight, coordination and implementation of CSGWPP. The selected approach need not necessarily be the formal designation of the respective governors, however, it should reflect the agreement of the principal entities involved. A committee of agencies in lieu of a single agency, is acceptable only when there are clear cut lines of responsibility for coordinating and implementing efforts aimed at establishing a CSGWPP, both within the State and with EPA.

Performance Expectation: Given that the designation of a coordination point is one of the earliest milestones in achieving a CSGWPP, at least 25% of the State's 106 grant should be invested in formally establishing and maintaining such a mechanism. For States where such mechanisms are already in place, these funds may be utilized for other high priority CSGWPP activities.

OFFICE OF WATER
FY 1993
Program Area: Wellhead Protection

GOAL: PROTECT DRINKING WATER SUPPLIES USING GROUND WATER FROM CONTAMINANTS WHICH MAY HARM THE HEALTH OF PERSONS.

OBJECTIVE: Develop and implement a Wellhead Protection Program in all States and Territories.

MEASURE: Track against targets, by Region, the number of States and Territories that have an approved Wellhead Protection Program.

Report annually for States with (1) approved and (2) unapproved WHPPs respectively, the number of PWSs and the population served by these systems that have been protected by (1) an approved local WHPP or (2) local initiatives that afford equivalent resource protection approaches.

STARS CODE: WH-1
TARGETED: Q 2,3,4
REPORTED:
SUNSET:

OFFICE OF WATER
FY 1993
Program Area: Wellhead Protection Definitions

WH-1 This measure tracks the number of State Wellhead Protection Programs that have been approved during the 1993 fiscal year against Regional commitments for such submissions. The 1986 amendments to the Safe Drinking Water Act requires that all States have an approved WHP Program (WHPP). An approved program is one that is adequate in the six elements stated in the statute and includes a public involvement process.

This measure further requires an annual report on the number of PWSs, relying on ground water sources, that have implemented a formal local wellhead protection program. A formal local WHPP is only possible in a State with an approved program. However, even in States not yet approved, local initiatives are underway that essentially replicate the protective nature of a formal program in all but name. Since these initiatives meet the objectives of the WHPP, it is worthwhile to track their progress in extending resource protection despite the absence of an approved State program. These data are viewed as key Agency environmental indicators. To maximize the utility of these data and interface with FRDS, this information will be reported for (1) approved States and (2) local initiatives in categories by size of system using the PWSS program's population categorization scheme, as follows:

Large, Very Large Systems		> 10,000
Medium	"	3,300 - 10,000
Small	"	500 - 3,300
Very Small	"	25 - 500

National Program Environmental Indicator

GOAL: REDUCE POPULATION EXPOSED TO CONTAMINANTS IN DRINKING WATER.

ENVIRONMENTAL INDICATOR: Identify number and percent of population exposed to contaminants in drinking water from community and nontransient public water systems during the fiscal year.

DEFINITION: Report by State the number of and population served by community water systems and nontransient noncommunity water systems where SNCs are due to violations of MCLs or treatment technique requirements.

DATA SOURCE: The information for this indicator will be taken directly from the Federal Reporting Data System (FRDS). Since the FRDS data base is lagged one quarter, data for the end of the fiscal year will be reported in the first quarter of the following fiscal year.

OFFICE OF WATER
FY 1993
Program Area: Wastewater Enforcement and Compliance

GOAL: Reduce and eliminate pollution to the Nation's waters from point sources through aggressive implementation and enforcement of Federal and State standards under the Clean Water Act.

OBJECTIVE: Assess toxicity control needs and reissue major permits in a timely manner.

MEASURE: Track, against targets, the number of permits reissued to major facilities during FY93 which have had water quality based toxic limits included or found to not need toxic limits through a water quality based evaluation for toxics.

STARS CODE: WQ-13
TARGETED: Q 2,3,4
REPORTED ONLY:
SUNSET: FY 96

OBJECTIVE: Effectively implement approved local pretreatment programs.

MEASURE: Track, by Region, against quarterly targets, for approved local pretreatment programs: 1) the number audited by EPA and the number audited by approved pretreatment States; and 2) the number inspected by EPA and the number inspected by approved pretreatment States.

STARS CODE: WQ-14
TARGETED: Q 2,3,4
REPORTED ONLY:
SUNSET: FY 96

OFFICE OF WATER
FY 1993
Program Area: Wastewater Enforcement and Compliance

GOAL: Reduce and eliminate pollution to the Nation's waters from point sources through aggressive implementation and enforcement of Federal and State standards under the Clean Water Act.

OBJECTIVE: Reissuance of priority municipal permits which contain applicable sludge conditions.

MEASURE: Track, against targets, the number of permits issued to priority sludge facilities containing sludge conditions necessary to meet the requirements of CWA Section 405. (Track and report against specific identified universe)

STARS CODE: WQ-15
TARGETED: Q 2,3,4
REPORTED ONLY:
SUNSET: FY 96

OBJECTIVE: Encourage general permit activity.

MEASURE: Track, by Regions and State, the number of regulated industrial storm water categories for which a general permit is issued, and the number of NOIs submitted under those general permits.

STARS CODE: WQ-16
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY 96

OBJECTIVE: Issue NPDES permits to Combined Sewer Systems with Combined Sewer Overflow (CSO) discharges.

MEASURE: Track, by Region and State, the number of Combined Sewer Systems which have been placed on a compliance schedule (through either a permit or an enforcement action) to address CSO discharges and put CSO controls in place.

STARS CODE: WQ-17
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY 96

OFFICE OF WATER
FY 1993
Program Area: Wastewater Enforcement and Compliance

GOAL: Reduce and eliminate pollution to the Nation's waters from point sources through aggressive implementation and enforcement of Federal and State standards under the Clean Water Act.

OBJECTIVE: Maintain baseline program that ensures integrity of Federal investment in municipal pollution control and Federal grant program is phased out in an expeditious and orderly manner.

MEASURE:	Track, by Region, progress against quarterly targets for net outlays for State Revolving Fund (SRF) and construction grants.	STARS CODE: WQ-18 TARGETED: Q 2,3,4 REPORTED ONLY: SUNSET: FY 96
MEASURE:	Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects administratively completed.	STARS CODE: WQ-19 TARGETED: Q 2,3,4 REPORTED ONLY: SUNSET: FY 96
MEASURE:	Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Marine CSO and PL 84-660 project closeouts.	STARS CODE: WQ-20 TARGETED: Q 2,3,4 REPORTED ONLY: SUNSET: FY 96
MEASURE:	Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects beginning to achieve environmental results. **(include BOD load reductions, where appropriate).**	STARS CODE: WQ-21 TARGETED Q 2,3,4 REPORTED ONLY: SUNSET: FY 96

OFFICE OF WATER
FY 1993
Program Area: Wastewater Enforcement and Compliance

GOAL: Reduce and eliminate pollution to the Nation's waters from point sources through aggressive implementation and enforcement of Federal and State standards under the Clean Water Act.

OBJECTIVE: Achieve and maintain high levels of compliance with the NPDES program.

MEASURE:	Report, by Region and State, the number of major NPDES facilities, as well as the number of POTWs with approved pretreatment programs. Of these, track by Region and State the number and percent in significant noncompliance for each universe.	STARS CODE: WQ/E-5 TARGETED: N REPORTED ONLY: Q 2,3,4 SUNSET: FY 96
MEASURE:	Report, by Region and State, the number of major NPDES facilities, as well as the number of POTWs with approved pretreatment programs in significant noncompliance on two or more consecutive quarters without returning to compliance (Active Exceptions List) -- list both new facilities (those in SNC for two or more quarters) and unresolved facilities (those facilities whcih are in SNC for three or more quarters).	STARS CODE: WQ/E-6 TARGETED: N REPORTED ONLY: Q 2,3,4 SUNSET: FY 96
MEASURE:	Report, by Region and State, the number of major NPDES facilities, as well as the number of POTWs with approved pretreatment programs that are on the previous exceptions list which have returned to compliance, the number addressed by a formal enforcement action (Resolved Exceptions List). Identify reported Exceptions List facilities by name and NPDES number and number of quarters in significant noncompliance.	STARS CODE: WQ/E-7 TARGETED: N REPORTED ONLY: Q 2,3,4 SUNSET: FY 96

GOAL: Reduce and eliminate pollution to the Nation's waters from point sources through aggressive implementation and enforcement of Federal and State standards under the Clean Water Act.

OBJECTIVE: Achieve and maintain high levels of compliance in the NPDES program. (continued)

MEASURE: For NPDES, Sludge and Pretreatment violators, report, by Region, the total number of (a) EPA Administrative Compliance Orders and the total number of State equivalent actions issued; of these, report the number issued to POTWs for not implementing pretreatment; (b) Class I and Class II proposed and final administrative penalty orders issued by EPA; and (c) Administrative penalties imposed by States.

STARS CODE: WQ/E-8
TARGETED: N
REPORTED ONLY: Q 2,3,4
SUNSET: FY 96

MEASURE: Report, by State, the active civil and criminal case docket, the number of civil and criminal referrals sent to the State Attorneys General, the number of civil and criminal cases filed, the number of civil and criminal cases concluded (identify the penalty amount obtained by the State in the cases concluded).

STARS CODE: WQ/E-9
TARGETED: N
REPORTED ONLY: Q 2,3,4
SUNSET: FY 96

OBJECTIVE: Identify compliance problems and guide corrective action through inspections.

MEASURE: Track, by Region and State, against quarterly targets, the number of major facilities with NPDES inspections; the number of Class I facilities receiving sludge management inspections; and the number of pretreatment POTWs receiving pretreatment compliance inspections. (combine EPA and State inspections and report each of the above three categories separately).

STARS CODE: WQ/E-10
TARGETED: Q 2,3,4
REPORTED ONLY:
SUNSET: FY 96

OFFICE OF WATER
FY 1993
Program Area: Wastewater Enforcement and Compliance

WQ 13

Measure WQ-13 is all major permits that include a water quality based evaluation (i.e., whether limits on specific chemicals and whole effluent toxicity are necessary with toxic limits established where necessary) and with issuance dates (i.e., date signed by EPA or State permit authority) during FY 93.

WQ-13 is specifically designed to measure permits reissued which have had a water quality based evaluation for toxics. Reissued permits can count under WQ-13 if they have had either an evaluation and include toxic limits or have had an evaluation and do not need toxic limits based on that evaluation. A water quality based evaluation for toxics is an evaluation by EPA or the State (or possibly by EPA through State overview) to determine if a facility causes, contributes to, or has the reasonable potential to cause an exceedance of a State numeric or narrative water quality standard.

A water quality-based permit limit is a limit that has been developed to ensure a discharge does not violate State water quality standards. Such limits are expressed as maximum daily (or seven day average) and monthly average values in Part I of the NPDES permit. They can be expressed as concentration and/or mass values for individual chemicals and/or pollutant parameters such as effluent toxicity. Effluent toxicity can also be expressed in toxic units. Limits should be reflective of data available through water quality-based assessments and should protect against impacts to both aquatic life and human health.

PCS will be used (major permits reissued) to track this measure where either procedures are in place to review all permits for water quality based toxics by the Region or the State or the Region provides oversight of every major State-issued permit to ensure that standards are in effect. Where this is not the case, the information must be reported manually.

As a matter of policy, EPA regards the 2/4/87 statutory requirements to control point sources as a component of the ongoing national program for toxics control. In the national toxics control program, all known problems due to any pollutant are to be controlled (using both new and existing statutory authorities) as soon as possible, giving the same priority to these controls as for controls where only 307(a) pollutants are involved. Known toxicity problems include violations of any applicable State numeric criteria or violations of any applicable State narrative water quality standard due to any pollutant (including chlorine, ammonia, and whole effluent toxicity), based upon ambient or effluent analysis. States and Regions will continue to issue all remaining permits, including those requiring the collection of new water quality data where existing data are inadequate to assess WQ conditions.

Performance Expectation: The goal of the State and EPA NPDES program is to have reissued major and minor permits in effect on the date the prior permit expires. Permit applications are due and should be acted upon during the last six months of a permit's term. Most States and Regions, should be able to reissue 100% of their expiring major permits. In cases where unusual, complex and difficult issues prevent timely permit reissuance, Headquarters is encouraging alternative approaches to address the increasing backlog. These approaches include targeting a specific watershed or attempting to even out the backlog by reissuing 20% of the universe of majors for the State per year. These strategies are to be

negotiated on a State-by-State basis and must include Headquarters in the approval process.

Regional quarterly reports for these measures will be reported to the Director of the Office of Wastewater Enforcement and Compliance.

WQ-14 A local pretreatment program audit is a detailed on-site review of an approved program to determine its adequacy. The audit report identifies needed modifications to the approved local program and/or the POTW's NPDES permit to address any problems. The audit includes a review of the substantive requirements of the program, including local limits, to ensure protection against pass through and interference with treatment works and the methods of sludge disposal. The auditor reviews the procedures used by the POTW to ensure effective implementation and reviews the quality of local permits and determinations (such as implementation of the combined wastestream formula). In addition, the audit includes, as one component, all the elements of a pretreatment compliance inspection (PCI).

In certain cases, non-pretreatment States will be allowed to conduct audits for EPA. If a non-pretreatment State has the experience, training, resources and capabilities to effectively conduct audits, these audits could be counted. A determination of whether a non-pretreatment State could conduct the audit for EPA will be worked out between EPA HQ and the Region during the commitment negotiation process on a case-by-case basis.

The pretreatment compliance inspection (PCI) assesses POTW compliance with its approved pretreatment program and its NPDES permit requirements for implementation of that program. The checklist to be used in conducting a PCI assesses the POTW's compliance monitoring and enforcement program, as

well as the status of issuance of control mechanisms and program modifications. A PCI must include a file review of a sample of industrial user files. Note that this measures tracks "coverage" of approved pretreatment programs, not the number of audits or inspections conducted, which may be greater than the number of programs since some programs may be inspected/audited more than once a year.

Performance Expectation: At a minimum, audits should be performed at least once during the term of the POTW's permit. Although an audit includes all the elements of a PCI, as one component, the activity should not be counted as both an audit and a PCI; it should be counted as an audit. In any given year, all POTWs that are not audited should have a PCI as part of the routine NPDES inspection at that facility, i.e. audits plus inspections should equal 100 percent of approved POTWs, except where mitigating circumstances prevent this. Mitigating circumstances will be approved during negotiation process and could include the need to target audits to support watershed initiatives or to conduct an in-depth audit. For purposes of reporting, both audits and pretreatment compliance inspections should be lagged by one quarter, i.e. same as NPDES inspections. Also, where both an audit and an inspection are conducted for a POTW, for purposes of coverage, only that audit will be counted.

WQ-15 Priority sludge facilities or "Class I Sludge Management Facilities" are: 1) pretreatment POTWs; 2) POTWS that incinerate their sludge; and 3) any other POTWs with known or suspected problems with their sludge quality or disposal practices. Non-pretreatment POTWs that incinerate sewage sludge may be considered non-priority if such decision is supported by information showing no cause for concern (i.e., existing controls adequately implement existing federal requirements and otherwise protect public health and the environment). The sludge conditions are to be included in permits as the

NPDES permit expires and is reissued. The sludge conditions may be in another permit (such as a permit issued under the Clean Air Act, or a State permit) and incorporated by reference in the NPDES permit. NPDES permits issued by a State may be counted if pursuant to an EPA/State agreement and the Region has certified the permit as meeting CWA requirements. "Sludge conditions necessary to meet CWA section 405" are those conditions required by the sludge permitting and state program regulations (May 2, 1989), adequate monitoring requirements; existing federal regulations, where applicable (e.g., 40 CFR Part 257 and after promulgation, 40 CFR, Part 503) and any additional case-by-case conditions necessary to protect the public health and environment.

WQ-16 While there may be some States that will have not received general permitting authority nor issue general permits, this measure will begin to measure the activity of those States who have begun to work on their storm water general permitting. A baseline general permit is a permit issued focusing in on regulating storm water discharges associated with industrial activities. This measure will track the number of regulated storm water industries for which a general permit has been issued. In addition, the measure will track the number of Notices of Intent (NOIs) submitted under those general permits (report by NPDES State with general permitting authority and non-NPDES States where the EPA general permits is issued).

WQ-17 EPA Regions and approved NPDES States issue NPDES permits to owners and operators of combined sewer systems to control combined sewer overflow (CSO) discharges to surface waters. Combined sewer systems are systems designed to transport both sanitary and industrial wastewaters as well as storm water runoff to POTW treatment facilities for treatment prior to discharge to receiving water bodies. CSOs are discharges from a combined

sewer system in excess of the interceptor or regulator capacity and occur before the headworks of the POTW's treatment facility. CSO discharges do not receive primary or secondary treatment at the treatment facility.

WQ-18 Percents of cumulative net outlays for construction grants and State Revolving Fund (SRF) to program commitment - the net sum of payments made and recovered from PL 84-660 projects, PL 92-500 contract authority projects, as well as projects funded with Talmadge/Nunn, FY 1977 supplemental, FY 1978 through FY 1992 budget authority, Section 205(g) funds, Section 205(m) funds, 604(b) funds, including all Title VI funds appropriated expressly for SRF.

Performance Expectation - The cumulative Regional commitment will consist of construction grants and SRF. The performance expectation for the commitment will be ± 5%.

WQ-19 Number of Step 3, Step 2+3, Marine CSO, and PL 84-660 projects administratively completed - A project is considered administratively complete when a final audit is requested; or, for projects that cannot be sent to OIG because of related ongoing projects, when all of the administrative completion requirements have been satisfied.

Performance Expectation - The goal will be to begin FY 1994 with no backlogged projects. An acceptable commitment would be the number of projects that must be completed in FY 1993 in order to enter FY 1994 with no backlogged projects, minus those projects the Region and Headquarters mutually agree are not able to be administratively completed during FY 1993.

A "backlogged" project is defined as:

- A Step 3, Step 2+3, or PL 84-660 project awarded **before 12/29/81** which has been physically complete for more than **12 months,** but has not yet been administratively completed.

- A Step 3, Step 2+3, or Marine CSO project awarded **after 12/29/81** which had initiated operations for more that **18 months**, but has not yet been administratively completed.

WQ-20 Number of Step 3, Step 2+3, Marine CSO and PL 84-660 project closeouts - A closeout occurs after: (1) An audit has **been performed and all audit findings have** been resolved or a determination has been made by OIG that an audit will not be performed; **(2) Any disputes filed under 40 CRF , Parts 30 and 31 have been resolved; (3) Funds owed the Government by the grantee or vice versa) have been recovered (or paid); (4) A closeout letter has been issued to the grantee.**

Performance Expectation - Project closeout is expected to occur within 6 months of final audit resolution, project "screenout" or, for projects under $1 million, within 6 months of administrative completion. However, the time-based goal does not apply with:

- The grantee appeals a final decision in accordance with 40 CFR, Parts 30 and 31; or

- The action official has referred the project to the servicing finance office to establish an accounts receivable based on the audit findings.

The estimated number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects awaiting closeout or awaiting audit resolution at the beginning of the fiscal year plus any project planned for "screen out" by OIG during the fiscal year should be planned for closeout by the end of the fiscal year.

WQ-21 Number of Step 3, Step 2+3, Marine CSO and PL 84-660 projects beginning to achieve environmental results. A Step 3, Step 2+3, Marine CSO or PL 84-660 project is considered to have begun to achieve environmental results when the project initiates operations; i.e., when one of the following occurs:

(i) For projects awarded after 12/29/81, the date of "Initiation of Operation": N7 = "Ab" or "Bb" or "Fb".

(ii) For projects awarded before 12/29/81, the date of "Physical Completion": N5 = "Ab" or "Bb" or "Fb".

(iii) For end-of-pipe projects, either (i) or (ii) and reduction in BOD load (amount to be provided. This can be a reduction from an existing discharge, or if a new discharge, reduction from what would be discharged without this project.

Performance Expectation: An acceptable commitment would be 85% or greater of the number of projects projected to begin operations during FY 1993.

WQ E-5 A facility is reported to be in significant noncompliance for failure to comply with NPDES permit requirements if it meet the criteria in the QNCR Guidance Manual, 1985. An approved pretreatment program should be identified as in significant noncompliance when it meets the criteria for

SNC identified in the FY 1990 Reporting an Evaluating POTW Noncompliance with Pretreatment Requirements, issued September 27, 1989.

WQ E-6/7

NOTE: For STARS report the number only. As part of OWAS, report both the number and the name and the number of quarters the facility has been in SNC.

Also, the name list must be submitted with the numbers; only the fact sheet, with justification, will be reported by the 15th day of the beginning of the next quarter. In regard to all major permittees listed in significant noncompliance on the Quarterly Noncompliance Report (QNCR) for any quarter, Regions/NPDES States are expected to ensure that these facilities have returned to compliance or have been addressed with a formal enforcement action by the permit authority within the following quarter (generally within 60 days of the end of that quarter). In the rare circumstances where formal enforcement action is not taken, the administering Agency is expected to have a written record that clearly justifies why the alternative action (e.g.,enforcement action, permit modification in process, etc.) was more appropriate. Where it is apparent that the State will not take appropriate formal enforcement action before the end of the following quarter, the States should expect the Regions to do so. This translates for Exceptions List reporting as follows:

Exceptions Lists reporting involves tracking the compliance status of major permittees listed in significant noncompliance on two or more consecutive QNCRs without being addressed with a formal enforcement action. Reporting begins on January 1, 1993 based on permittees in SNC for the quarters ending June 30, and September 30, that have not been addressed with a formal enforcement action by November 30. Regions are also expected to complete and submit with their Exceptions List a fact sheet which provides

adequate justification for a facility on the Exceptions List. The fact sheet should be submitted by the 15th day of the beginning of the next quarter. After a permittee has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.

Reporting is to be based on the quarter reported in the QNCR (one quarter lag).

Returned to compliance (refer to the QNCR Guidance for a more detailed discussion of SNC and SNC resolution) for Exceptions List facilities refers to compliance with the permit, order, or decree requirement for which the permittee was placed on the Exceptions List (e.g., same outfall, same parameter). Compliance with the conditions of a formal enforcement action taken in response to an Exception List violation counts as an enforcement action (rather than return to compliance) unless the requirements of the action are completely fulfilled and the permittee achieves absolute compliance with permit limitations. The Exceptions List includes pretreatment SNC.

Formal enforcement actions against non-federal permittees include any statutory remedy such as Federal Administrative Order or State equivalent action, a judicial referral (sent to HQ/DOJ/SAG), or a court approved consent decree. A section 309(g) penalty administrative Order (AO) will not, by itself, count as a formal enforcement action since it only assesses penalties for past violations and does not establish remedies for continuing noncompliance. Unless the facility has returned to compliance, a 309(a) compliance order should accompany the 309(g) penalty order. Formal enforcement actions against federal permittees include Federal Facility Compliance Agreements, documenting the dispute and forwarding it to Headquarters for resolution, or granting them Presidential exemption.

WQ E-8 Headquarters will report EPA Administrative Compliance Orders (AOs) and State equivalent actions from PCS. All AOs must be entered into PCS by the 2nd update of the new quarter to be counted in the report. For pretreatment, only AOs issued to POTWs should be counted here. AOs issued to industrial users are counted in OWAS under pretreatment measure 2(a). Where an AO or APO includes both pretreatment and NPDES violations, the AO/APO should be counted once and considered a pretreatment AO/APO. For purposes of counting State penalty orders, any order which proposes the assessment of a cash penalty against a violator may be counted. Where the State has a two step process (similar to EPA's process) the proposed order should be counted.

WQ E-9 The active case docket consists of all referrals currently at the State Attorney General and the number of referrals filed in State Court. A case is concluded when a signed consent decree is filed with the State Court; the case is dismissed by the State Court; the case is withdrawn by the State Attorney General after it is filed in a State Court; or the State Attorney General declines to file the case. OE will report the same data for Federal referrals; State referrals will be reported to the Regions.

WQ E-10 As the inspections strategy states, all major facilities should receive the appropriate type of inspection each year by either EPA or the State. As part of the NPDES inspection for at least Class I facilities, verification of sludge management practices should be conducted as appropriate. EPA and States collectively commit to the number of major permittees inspected each year with a Compliance Evaluation Inspection (CEI), Compliance Sampling Inspection (CSI), Toxic Inspection (TOX), Biomonitoring Inspection (BIO), Performance Audit Inspection (PAI), Diagnostic Inspection (DIAG), or

Reconnaissance Inspection (RI). Reconnaissance Inspections will only count toward the commitment when they are done on facilities that meet the following criteria:

(1) The facility has not been in SNC for any of the four quarters prior to the inspection.

(2) The facility is not a primary industry as defined by 40 CFR, Part 122, Appendix A.

(3) The facility is not a municipal facility with a pretreatment program.

Commitments for major permittee inspections should be quarterly targets and are to reflect the number of major permittees inspected at least once. The universe of major permittees to be inspected is defined as those listed as majors in PCS. Multiple inspections of one major permittee will count as only one major permittee inspected (however, all multiple NPDES inspections will be included in the count for the measure that tracks the total number of all inspections, see next paragraph).

The measure for tracking total inspection activity will not have a commitment. CEI, CSI, TOX, BIO, PAI, RI, and DIAG of major and minor permittees will be counted. Pretreatment inspections for IUs and POTWs will be counted only toward pretreatment inspection commitments. Multiple inspections of one permittee will be counted as separate inspections; Reconnaissance Inspections will be counted. It is expected that up to 10% of EPA resources will be set aside for neutral inspections of minor facilities.

OFFICE OF WATER
FY 1993
Program Area: Wastewater Enforcement and Compliance

When conducting inspections of POTWs with approved pretreatment programs, a pretreatment inspection component (PCI) should be added, using the established PCI checklist. An NPDES inspection with a pretreatment component will be counted toward the commitments for majors, and the PCI will count toward the commitment for POTW pretreatment inspections. (This will be automatically calculated by PCS.) Regions are encouraged to continue CSI inspections of POTWs where appropriate. Industrial user inspections done in conjunction with audits or PCIs or those done independent of POTW inspections will be counted as IU inspections. Tracking of inspections will be done at Headquarters based on retrievals from the Permit Compliance System (PCS) according to the following schedule:

INSPECTIONS	RETRIEVAL DATE The First working day after the second update in:
July 1, 1992 through Sep. 30, 1992	Jan. 1993
July 1, 1992 through Dec. 31, 1992	April 1993
July 1, 1992 through March 31, 1993	July 1993
July 1, 1992 through June 30, 1993	Oct. 1993

Inspections may not be entered into PCS until the inspection report with all necessary lab results has been completed and the inspector's reviewer or supervisor has signed the completed 3560-3 form.

Note: STARS only tracks the number of major permittees inspected. OWAS tracks the number of inspections. Regional and State inspection plans should be established by FY 1993 in accordance with guidance on inspection plans.

Inspections may not be entered into PCS until the inspection report with all necessary lab results has been completed and the inspector's reviewer or supervisor has signed the completed 3560-3 form.

Note: STARS only tracks the number of major permittees inspected. OWAS tracks the number of inspections. Regional and State inspection plans should be established by FY 1993 in accordance with guidance on inspection plans.

OFFICE OF WATER
FY 1993
Program Area: Ocean and Coastal Protection

GOAL: To protect, restore and maintain the nation's coastal and marine waters to sustain living resources, protect human health and the food supply, and recover full recreational use of shores, beaches and waters.

OBJECTIVE: Improve the management of dredged materials.

ACTIVITY: Prepare environmental impact statements and rule making packages for Ocean Dumping site designation.

MEASURE: Track, by Region, progress against quarterly targets for:
- number of final environmental impact statements, and
- number of sites designated.

STARS CODE: WQ-1
TARGETED: Q 2,3,4
REPORTED ONLY:
SUNSET:

OBJECTIVE: Build joint Federal/State capacity to meet environmental objectives.

ACTIVITY: Complete Comprehensive Conservation and Management Plans (CCMPs) based on commitments in the State/EPA Conference Agreements for each estuary project in the National Estuary Program.

MEASURE: Track, by Regional progress, against semi-annual accomplishments:
- completion of draft CCMP
- completion of final CCMP

As scheduled in EPA/State Conference agreement.

STARS CODE: NEP-1
TARGETED:
REPORTED ONLY: Q,2,4
SUNSET:

WQ-1 OCEAN DISPOSAL PERMITS

The number of final environmental impact statements (EISs) - It is expected that the Regions will prepare EISs for dredged material disposal sites based on the priorities set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and will prepare EISs for other disposal sites based on national priorities. The preparation of final EISs includes incorporating response to all comments received, and making necessary changes to finalize the EIS, which may include updating any of the surveys or special interagency activities, such as endangered species considerations.

The number of ocean dumping sites designated - It is expected that the Regions will designate dredged material disposal sites as set forth in the Memorandum of Understanding (MOU) between the Region and the Corps of Engineers District Office, and designate other disposal sites based on national priorities. In the preparation of a site designation documents, if the EIS Record of Decision selects ocean dumping as preferred alternative, the site designation activity includes promulgation of proposed rules and final rules. Also, it includes consultation with other Federal and State agencies, preparation of Federal Register notices, hearings, and response to public comments.

NEP-1 NATIONAL ESTUARY PROGRAM

It is expected that the Regions with estuary projects in progress will support the continuing activities of the Management Conference as specified in the CWA. They are to manage the conduct of the scientific and technical work necessary to the development of a Comprehensive Conservation and Management Plan for the named estuary project in a timely and effective manner. Completion of the draft and final CCMP is to be reported by the Office of Water to the Deputy Administrator on a semi-annual basis.

OFFICE OF WATER
FY 1993
Program Area: Wetlands Protection

GOAL: NO NET LOSS OF THE NATION'S WETLANDS (BY FUNCTIONS AND ACRES)

OBJECTIVE: To build a stronger constituency for wetlands protection and improve dialogues with affected sectors. Use geographic targeting to address specific ecological problems, take advantage of state and local capabilities.

ACTIVITY: To utilize non-regulatory and anticipatory approaches in protecting wetlands

MEASURE: Number of public education and outreach initiatives completed

STARS CODE: WQ-2A
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY96

MEASURE: Number of geographically targeted efforts completed, (e.g., component of a Watershed Protection Approach project, Section 404 enforcement initiative, etc.)

STARS CODE: WQ-2B
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY96

MEASURE: Number of comprehensive management and planning initiatives completed, e.g., advance identifications, greenways/river corridor management plans, special area management plans

STARS CODE: WQ-2C
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY96

MEASURE: Number of State Wetlands Comprehensive Plans initiated/funded/otherwise assisted

STARS CODE: WQ-2D
TARGETED:
REPORTED ONLY: Q 4
SUNSET: FY96

OFFICE OF WATER
FY 1993
Program Area: Wetlands Protection

GOAL: NO NET LOSS OF THE NATION'S WETLANDS (BY FUNCTIONS AND ACRES)

OBJECTIVE: Enforce the Section 404 program to improve rates of compliance with program requirements

ACTIVITY: Manage an effective Section 404 complance/enforcement program

MEASURE: Number of wetlands enforcement cases initiated

STARS CODE: WQ/E-11
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY96

MEASURE: Number of wetlands enforcement cases resolved

STARS CODE: WQ/E-12
TARGETED:
REPORTED ONLY: Q 2,3,4
SUNSET: FY96

WQ-2 STRATEGIC INITIATIVES (GENERAL DEFINITION FOR FOLLOWING FOUR NON-REGULATORY/ANTICIPATORY APPROACHES MEASURES)

The following four WQ-2 measures represent specific categories of activities that have historically been combined under the title "Strategic Initiative (SI)," which can continue to be used as a blanket descriptor. The SI encompasses a fairly wide range of strategic activities undertaken by a Region to improve protection of wetlands and/or other critical aquatic habitats on a broad (temporal/spatial) scale. An SI may be extensive involving increased EPA action on a broad geographic scale in a major program activity area (e.g. increasing public outreach throughout a State). Alternatively, it may be intensive in being targeted to a more limited geographical area (e.g. enforcement in that area). At a minimum, an SI must include problem analysis, identification of goals for the target wetlands, evaluation of options to achieve the goals, an action plan, implementation, and evaluation of results. An SI should be a non-recurring project that is beyond the scope of what are generally considered to be "normal," day-to-day activities. As a guide, an SI should constitute a program component that represents one-tenth or more of the Region's wetlands program resources. To "complete" an initiative means to have (1) implemented all components of the action plan, with no more than the evaluation of results remaining to be done; and (2) submitted to Headquarters a brief (e.g., one-page) summary of the project, including start- and end-dates, approximate resources expended, activities undertaken, and anticipated benefits of the initiative. These summaries will provide useful data to Headquarters on Regional activities and can serve as valuable information-transfer vehicles among Regions.

It is understood that specific projects can cut across the definitions below, e.g., an Advance Identification can, and should, involve a substantial public outreach component. Regions are requested to avoid "double-counting" by choosing the most appropriate category under which to report the completion of an initiative.

WQ-2A NUMBER OF MAJOR PUBLIC EDUCATION AND OUTREACH INITIATIVES COMPLETED

Completion of a educational effort directed either to a specific sector of the regulated community (e.g., agricultural community, fishing industry) or to residents of a particular geographic area (e.g., communities in prairie pothole regions.)

WQ-2B NUMBER OF GEOGRAPHICALLY TARGETED EFFORTS COMPLETED (E.G., COMPONENT OF A WATERSHED PROTECTION APPROACH PROJECT, SECTION 404 ENFORCEMENT INITIATIVE, ETC.)

Completion of a geographically targeted approach to wetlands protection issues. Examples include: Completion of a wetlands protection component in a larger Watershed Protection effort,; Completion of a Regional "hot spot" strategy; Completion of an intensive §404 enforcement/compliance effort in a specific geographic area. Enforcement Initiatives are generally undertaken for their deterrent value in areas with histories of particularly poor compliance or with particularly vulnerable resources.

WQ-2C NUMBER OF COMPREHENSIVE MANAGEMENT AND PLANNING INITIATIVES COMPLETED, E.G., §404 ADVANCE IDENTIFICATIONS, GREENWAYS/RIVER CORRIDOR MANAGEMENT PLANS, SPECIAL AREA MANAGEMENT PLANS

Completion of an Advance Identification as defined in 40 CFR Part 230.80 of the CWA §404(b)(1) Guidelines and further described in the 1989 "Guidance to EPA Regional Offices on the Use of Advance Identification Authorities Under Section 404 of the Clean Water Act."

Completion of a management or planning initiative designed to provide the Region with a comprehensive strategy for addressing a variety of wetlands protection issues. Examples include development of greenway/river corridor management plans and special area management plans, development of water quality standards for wetlands, and development of strategies for improved interaction with State, Tribal, local, and/or other federal government bodies.

WQ-2D NUMBER OF STATE WETLANDS COMPREHENSIVE PLANS INITIATED/FUNDED/OTHERWISE ASSISTED

Significant EPA assistance through a grant and/or technical assistance to a State that has initiated the development of a State Wetlands Comprehensive Plan or Strategy.

WQ/E-11 NUMBER OF WETLANDS ENFORCEMENT CASES INITIATED (TOTAL OF ALL OF THE FOLLOWING ACTIVITIES)

Section 309(a) administrative compliance orders issued by EPA. As a general rule, such orders should require the violator not only to stop the illegal discharge, but also where feasible to take affirmative action to remove the fill/or restore the site.

Section 309(g) administrative penalty complaints issued by EPA.

Civil section 404 cases that a Region refers, either independently or jointly with the Corps, to DOJ for judicial action.

Criminal section 404 cases that a Region refers to DOJ for prosecution.

WQ/E-12 NUMBER OF CASES RESOLVED (TOTAL OF ALL OF THE FOLLOWING ACTIVITIES)

Number of cases resolved through voluntary compliance, which occurs where the Region has not initiated any formal enforcement action against an illegal discharger, but instead achieves compliance through informal processes.

Number of section 309(a) compliance orders where the violator has complied with the terms of the order.

Number of section 309(g) administrative penalty actions in which the respondent has paid the penalty to the Region or, in those situations where payment is due and not forthcoming, where a federal district court has issued a final order requiring payment of the assessed penalty.

Number of civil judicial referrals which have resulted in a federal district court entering a final order in the case.

Number of criminal judicial referrals which have resulted in a federal district court entering a final order in the case.

OFFICE OF WATER
FY 1993
Program Area: Wetlands Protection

GOAL: NO NET LOSS OF THE NATION'S WETLANDS (BY FUNCTION AND ACRES)

ENVIRONMENTAL INDICATOR: Wetlands Acreage

DEFINITION: Physical inventory--acreage as aggregated nationally, regionally and per community type. Data is collected every ten years. Data is at such a macro-level that it is not now universally useful below a national level. EPA will be exploring the feasibility and costs of making the data more useful as an environmental indicator at the state, regional or watershed level. An annual report will be made on the status of this project.

DATA SOURCE: National Wetlands Inventory Status and Trends, U.S. Fish and Wildlife Service

OFFICE OF WATER
FY 1993
Program Area: Watershed Assessment and Protection

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES

OBJECTIVE: Reduce pollutant loadings from nonpoint sources to State-identified priority waterbodies, including coastal waters.

MEASURE: Identify, by State, against targets, the number of priority waterbodies identified in approved State nonpoint source management programs with watershed control programs actively underway. Report separately the number of coastal priority waterbodies with watershed control programs actively underway and the number of all other priority waterbodies with watershed control programs actively underway. For at least one waterbody in each State, the Region will identify the anticipated pollutant loading reductions or quantified water quality improvement expected from the watershed control program underway.

STARS CODE: WQ-7
TARGETED: Q2, 4
REPORTED ONLY:
SUNSET: FY94

OBJECTIVE: Assess Regional/State progress in achieving schedules for establishment of targeted TMDLs (total maximum daily load) and begin to determine the extent to which nonpoint sources, ecological restoration and habitat protection are being incorporated into the TMDL process.

ACTIVITY: Identify and track compliance with the FY92 303(d) schedule and begin to measure the extent to which nonpoint sources, ecological restoration and habitat protection are being incorporated into the TMDL process.

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES

MEASURE:	Report, in the fourth quarter: (1) by State, the total number of complex and the total number of non-complex TMDLs submitted in accordance with the 1992 State list of water-quality limited waterbodies targeted for TMDL development, and (2) by Region, information about one TMDL that includes one of the following: combined point and nonpoint source pollution problems, point and nonpoint source trade-offs, ecological restoration or habitat protection.	STARS CODE: WQ-5 TARGETED: REPORTED ONLY: Q4 SUNSET: FY96
OBJECTIVE:	Assess progress in implementing the Coastal Zone Management Act to control NPS pollution in coastal waters.	
ACTIVITY:	State submission and EPA/NOAA approval of Coastal NPS Programs	
MEASURE:	Identify, against targets, the number of coastal States actively and directly assisted by EPA Regions in developing their Coastal NPS Programs for submission to EPA and NOAA.	STARS CODE: WQ--6 TARGETED: Q4 REPORTED ONLY: SUNSET: FY94
OBJECTIVE:	Promote Watershed Protection Approach	
ACTIVITY:	Progress toward implementing watershed protection projects and developing comprehensive framework documents.	
MEASURE:	Report on selection and development of watershed protection projects and the development of comprehensive Regional Framework documents for targeting and implementing watershed protection projects.	STARS CODE: WQ-3 TARGETED: REPORTED ONLY: Q4 SUNSET:

WQ-7 NONPOINT SOURCE POLLUTANT CONTROLS This measure tracks the degree to which States are actively implementing NPS controls and management practices in the watersheds of the priority waterbodies which they have identified in their approved NPS management programs as needing protection from or abatement of NPS pollution. All States have approved management programs which identify priority waterbodies requiring actions to abate or prevent NPS pollution. (As noted in the §319 grant guidance, the 319 priority waters should be as consistent as possible with the §303(d) targeted waters.) States have had available to them three annual Section 319 grant awards, technical and financial support from other EPA programs such as the National Estuaries Program and Clean Lakes Program and from other Federal agencies such as the Soil Conservation Service and Forest Service of the U.S. Department of Agriculture and the Bureau of Land Management of the U.S. Department of the Interior, as well as funding and technical support from State and local sources enable them to initiate and expand implementation of controls and preventive actions.

This measure requires the Regions to identify the number of each State's priority watersheds in which the State is actively implementing NPS controls or activities to prevent NPS pollution. This measure further requires Regions to separately report the number of priority watersheds impacting coastal waters with watershed control programs actively underway and the number of priority watersheds affecting all other waters with watershed control programs actively underway. In order to begin identifying pollutant loading reductions, the Regions will also note for one priority waterbody in each State the anticipated load reductions or quantified water quality improvement that should result from the watershed control program being actively implemented.

For the purpose of this measure, "active implementation" means that landowners/land managers within the watershed have adopted or have formally committed to adopting approved best management practices (BMPs) and/or BMP systems. Regions and States should note that this is a narrower definition of "active implementation" than was used for FY 1992, reflecting the assumption that States have had more time and resources with which to accomplish implementation and now should have controls or prevention strategies in place "on the ground" in a significant number of priority watersheds.

WQ-5 TMDLs This measure continues a process started in FY 92 STARS measure WQ-5 for measuring environmental results in a subset of impaired and threatened waterbodies. Pursuant to CWA Section 303(d) and Office of Water program guidance issued in 1990, every two years starting in April 1992, States are identifying water-quality limited waterbodies still requiring TMDLs and a subset of these waterbodies for which TMDLs will be developed during the subsequent two years. This FY 1993 TMDL measure is a status report on the progress States and Regions are making toward developing the TMDLs for targeted waterbodies. Not all TMDLs are expected to be completed by the

end of FY 1993; therefore, Regions should also provided narrative information about progress against schedules.

States should use the Waterbody System (WBS) Waterbody Identification Number to identify the Section 303(d) targeted waterbodies. In FY 1992 Regions reported on water quality conditions for the targeted waters. Regions will ensure that they can determine the status of water quality in the individual targeted waterbodies using either the WBS or an independent information system. We anticipate using a four year cycle for comparison of water quality conditions (e.g., the FY 1992 targeted waters will be re-evaluated in FY 1996). In FY1994, a different set of targeted waterbodies will be identified and similarly evaluated for environmental results on a four year cycle.

A complex TMDL includes multiple dischargers, use of sophisticated WQ models, situations requiring specific Regional consideration, and situations where nonpoint source loads are critical factors in developing the TMDL. For each waterbody there should be one TMDL.

As a means to determine progress in incorporating the watershed approach in TMDL development, each Region should provide, by the end of the fourth quarter, information on a TMDL in progress or completed that addresses either a combined point source and nonpoint pollution problem, point source and nonpoint trading, ecological restoration or habitat protection.

CONTROLLING COASTAL NONPOINT SOURCE POLLUTION Under requirements of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, States will be developing and then submitting (to EPA and NOAA) coastal nonpoint pollution control programs. EPA and NOAA have six months following State submission to jointly review and approve such programs.

If approvable programs are not submitted by FY 1996, certain funding penalties will be levied against States both on section 306 coastal management grants and section 319 nonpoint source grants. FY 1993 will be the first full fiscal year during which States will begin developing their coastal NPS programs for subsequent submission to EPA and NOAA. This measure will be used by Regions both to project which States will be actively assisted in developing their programs. (In FY 1994, EPA may track the actual submission and approval of coastal NPS programs. However, for FY 1993, we do not anticipate many [if any] submissions. This measure therefore begins the process of encouraging and helping States to address the development of needed coastal NPS programs.)

OFFICE OF WATER
FY 1993
Program Area: Watershed Assessment and Protection

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES

ENVIRONMENTAL INDICATOR: Designated Use Support in Waterbodies Assessed Under Section 305(b)

DEFINITION:

Report, in the fourth quarter, the total size of waterbodies assessed and whether they are fully, partially or not supporting designated uses. States base this reporting on either monitoring or evaluated data, according to EPA Guidance for Section 305(b) reports.

This measure requires that States report the total size of stream miles, lake acres, estuary square miles, coastal miles, and Great Lakes shoreline miles assessed by the States, Territories, Interstate Commissions, and qualified Indian Tribes. In addition, States report the water quality status of the waters; i.e., whether designated uses are fully, partially, or not supported, or whether the waters are fully supporting uses but threatened.

The Section 305(b) guidelines establish two categories of assessed waters: monitored waters for which current site-specific monitoring data exist, and evaluated waters for which there are other types of data such as land use information and ambient data older than five years. These two categories provide a general level of confidence for most of the water quality data. A waterbody is defined as a fixed hydrologic unit as designated by the State. Waterbodies are limited to one type of water (e.g., river, lake, estuary). Consult the Waterbody System (WBS) User's Guide for additional guidance.

Regions must work with states and OW to ensure consistency in 305(b) reporting, accurate measures of attainment/or designated uses, correct reporting of total state waters, and use of the waterbody system. States should report to Regions on the changes in the designated use support based on early information in the waterbody system.

DATA SOURCE: Guidelines for the Preparation of the 1992 State Water Quality Assessment and future editions. Relevant data contained in State 305(b) Reports, the WBS, and other State documents including State NPS Management Programs and Assessments and Sections 106/604(b) Work Programs.

OFFICE OF WATER
FY 1993
Program Areas: Water Quality Criteria, Standards and Guidelines

GOALS: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

OBJECTIVE: Strengthen the scientific basis of Water Quality Standards to protect critical aquatic resources.

STARS CODE: WQ-8
TARGETED: Q 2, 4
REPORTED ONLY:
SUNSET: FY 94

MEASURE: Identify against targets, the States/Tribes completing a Section 303(c)(1) triennial review for which EPA takes a formal action (approval or disapproval and request for promulgation). Triennial reviews are to include, as appropriate, development of human health criteria, aquatic life criteria, biological criteria, salt water criteria, water quality standards for wetlands, water quality standards for coastal/estuarine waters and antidegradation policy implementation methods.

WQ-8 CONDUCT WATER QUALITY STANDARDS TRIENNIAL REVIEWS

The water quality standards program requirements reflect priorities in the Science Advisory Board Report, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection" and the Office of Water's "Strategic Plan." The emphasis of these documents and of the water quality standards program is the reduction of ecological risk in critical surface waterbodies.

The water quality standards program requirements for the FY 1991 - 1993 triennium were published in the FY 1991 Agency Operating Guidance. States are to continue to adopt criteria to protect aquatic life and human health for pollutants, the discharge or presence of which may interfere with the uses of the waterbody. States also are to adopt narrative biological criteria, salt water criteria, as appropriate, and antidegradation implementation methods into water quality standards to further protect the nation's waterbodies. The critical waterbodies that must be addressed include wetlands and coastal/estuarine waters, but also may include lakes, streams and rivers. The requirements are designed to enhance the ability of States to adopt water quality standards that will serve as the foundation for programs to reduce the ecological risks facing our critical aquatic resources, particularly from nonpoint sources, combined sewer overflows and stormwater runoff.

In particular, the requirements include:

- By September 30, 1993, States and qualified Indian Tribes, as appropriate must adopt criteria to protect human health for pollutants, the discharge or presence of which may interfere with the uses of the waterbody.

- By September 30, 1993, States and qualified Indian Tribes, as appropriate, must adopt criteria to protect aquatic life for pollutants, the discharge or presence of which may interfere with the uses of the waterbody.

- By September 30, 1993, States and qualified Indian Tribes also must adopt narrative biological criteria. The biological criteria shall be developed in accordance with either the Biological Criteria Program Guidance Document (April, 1990) or another scientifically valid method. Criteria shall be developed that define the structure and function of biota inhabiting minimally impaired reference waters, including species richness, diversity, trophic composition and abundance and/or biomass, that relate to the designated uses in the water quality standards. Such criteria may be

used in refining the uses of the water and in determining if the designated uses have been attained.

- By September 30, 1993, water quality standards must contain salt water criteria, if appropriate. These criteria are for pollutants for which EPA has published Section 304(a) criteria guidance.

- Also, by September 30, 1993, water quality standards must contain acceptable antidegradation policy implementation methods. This requirement is discussed in the FY 1988 National Water Quality Standards Program Guidance.

- In addition, by September 30, 1993 States and qualified Indian Tribes must adopt narrative water quality standards that apply directly to wetlands. Wetlands water quality standards shall be established in accordance with either the National Guidance, Water Quality standards of Wetland (July, 1990) or by another scientifically valid method. In adopting water quality standards for wetlands, States and qualified Indian Tribes, as a minimum, shall: (1) define wetlands as "State waters"; (2) designate uses that protect the structure and function of the wetlands; (3) adopt aesthetic narrative criteria (the "free froms") and appropriate numeric criteria in the standards to protect designated uses; (4) adopt narrative biological criteria into the standards: and (5) extend the antidegradation policy and implementation methods to wetlands. Unless results of a use attainability analysis show that the Section 101(a) goals can not be achieved, States and qualified Indian Tribes shall designate uses for wetlands that provide for the protection of fish, shellfish, wildlife, and recreation. When extending the antidegradation policy and implementation methods to wetlands, consideration should be given to designating critical wetlands as Outstanding National Resource Waters. As necessary, the antidegradation policy and implementation methods should be revised to reflect the unique characteristics of wetlands.

- Finally, by September 30, 1993, States and Indian tribal water quality standards must apply directly to estuaries, as appropriate. In accordance with existing regulations and guidance, water quality standards for estuaries shall include designated uses, salt water criteria for pollutants for which EPA has published Section 304(a) criteria guidance, narrative biological criteria to protect the designated uses of the estuaries, and an antidegradation policy and implementation methods. When applying the antidegradation policy and implementation methods to estuaries, consideration also should be given to designating the estuaries as Outstanding National Resource Waters.

For States and qualified Indian Tribes included in the targets for this measure, the State or qualified Indian Tribe must complete a triennial review of water quality standards and EPA take formal action by September 30, 1993. Formal action includes approval, or disapproval and a request that the Administrator promulgate Federal standards. Targets for this measure have to be developed for the second and fourth quarters of FY 1993.

OFFICE OF WATER
FY 1993
Program Area: Water Quality Criteria, Standards and Guidelines

GOAL: RESTORE, MAINTAIN AND PROTECT ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES

OBJECTIVE: Provide a comprehensive scientific basis for State use in protecting the ecological integrity of aquatic resources.

STARS CODE: WQ-9
TARGETED:
REPORTED ONLY: Q4
SUNSET: FY 94

MEASURE: Identify the ecological criteria guidance Headquarters will publish.

OFFICE OF WATER
FY 1993
Program Area: Water Quality Criteria, Standards and Guidelines

GOAL: RESTORE, MAINTAIN AND PROTECT THE ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES.

OBJECTIVE: Support Agency focus on geographically targeted watersheds by issuing effluent guideline regulations that control pollutant discharges from industries concentrated in targeted areas.

MEASURE: Publish two regulations in the Federal Register: Final Amendments in response to the 5th Circuit Remand for the Organic Chemicals, Plastics and Synthetic Fibers industry categories; and final rule for the pesticide manufacturing categories.

STARS CODE: WQ-10
TARGETED:
REPORTED ONLY: Q 4
SUNSET: FY 94

WQ-9 DEVELOP ECOLOGICAL CRITERIA GUIDANCE

A key theme in the Science Advisory Board Report, "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," and the Office of Water's "Strategic Plan" is to reduce ecological risks facing critical aquatic resources. We also need to view the integrity of the water environment holistically -- the sum total of the complex biological, chemical and physical dynamics necessary to sustain long-term processes -- ecological integrity -- of a healthy aquatic ecosystem. Over time, criteria guidance will provide a comprehensive basis on which to design programs that prevent and control pollution and habitat alteration and destruction and loss of species, particularly from nonpoint sources, combined sewer overflows and stormwater runoff. Chemical-specific sediment criteria to protect aquatic life and numeric biological criteria for streams, rivers, lakes, wetlands and estuaries are the most pressing priority needs. Then, as resources allow, criteria will be published to protect habitat in critical waterbodies.

WQ-10 DEVELOP EFFLUENT GUIDELINE REGULATIONS (HEADQUARTERS)

This measure tracks the development in Headquarters of two regulatory projects that will enhance the control of wastewater discharges to surface waters and municipal wastewater treatment systems. The majority of Organic Chemicals, Pesticide Chemicals, Plastic and Synthetic Fiber Industry Categories (OCPSF) and Pesticide manufacturing facilities are located in the industrialized, highly-populated areas that typically coincide with the geographically targeted areas of the US. The current schedules call for promulgation of the OCPSF amendments in May 1993 and promulgation of the pesticide manufacturing regulation in August 1993.

OFFICE OF WATER
FY 1993
Program Area: Water Quality Criteria, Standards and Guidelines

National Program Environmental Indicator

GOAL: RESTORE, MAINTAIN AND PROTECT ECOLOGICAL INTEGRITY OF THE NATION'S WATER RESOURCES

ENVIRONMENTAL INDICATOR: Fish Consumption Advisories

DEFINITION: Report in the fourth quarter, by State, fish consumption advisories. Environmental agencies and health departments at the State level are responsible for protecting the public from the risks of consuming contaminated fish that are harvested locally by issuing consumption advisories or bans when necessary. The public health advisory is a management tool available to regulators to warn the public of high levels of toxic substances in fish. EPA will develop guidance to promote the use of consistent risk assessments in determining the potential risk to humans from the consumption of contaminated fish and will encourage the States to generate fish tissue monitoring data for this purpose. This data can then be used for a risk assessment to determine if a fish advisory is necessary. Initially, States will be required to: Report in the Waterbody system and in the Electronic Bulletin Board the names of waterbodies for which fish consumption advisories have been issued. The Section 305(b) report should indicate the pollutants covered in the advisory, the type of advisory issued (i.e., fish consumption ban, a consumption ban only for pregnant women and children, a fish advisory which recommends so many meals/ounces of fish per month), the risk assessment approach used in the determination to issue a fish advisory (i.e., EPA risk assessment methodology, FDA action level, etc.), the extent of the advisory, and the common name of the fish covered by the advisory.

DATA SOURCE: Guidelines for the Preparation of the 1990 State Water Quality Assessment and future editions and Fish Consumption Advisory Electronic Bulletin Board.

FY 1993 OSWER STARS MEASURES

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Superfund

GOAL: Ensure sound management of solid and hazardous wastes.

OJECTIVE:	Ensure long-term effectiveness of response actions under Superfund.		
ACTIVITY:	Remedial Action activities.		
MEASURE:	Report the number of Remedial Action Contract Awards at NPL sites. This measure will be reported against a combined Fund and Enforcement target.	STAR CODE: TARGETED: REPORTED ONLY: SUNSET:	S/C-1 Y N 1993
MEASURE:	Report the number of Remedial Actions completed at NPL sites. This measure will be reported against a combined Fund and Enforcement target.	STARS CODE: TARGETED: REPORTED ONLY: SUNSET:	S/C-2 Y N 1993
MEASURE:	Report the number of NPL sites that have completed all response actions. The reporting vehicle for this measure is completion of the site through remedial or removal action.	STARS CODE: TARGETED: REPORTED ONLY: SUNSET:	S/C-3 Y N 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Superfund

GOAL: Prepare for and respond in a timely and effective manner to releases of hazardous substances into the environment.

OBJECTIVE: Improve identification and remediation of hazardous waste sites.

ACTIVITY: First NPL Removal Actions and Remedial Investigations and Feasibility Studies (RI/FS).

MEASURE: Report the number of NPL sites where either a first Removal action or RI/FS has started. This measure is reported against a combined Fund and Enforcement target.

STAR CODE: S/C-4
TARGETED: Y
REPORTED: N
SUNSET: 1993

ACTIVITY: Decision Document Development.

MEASURE: Report the number of remedial program remedies selected and action memoranda signed for removal actions at NPL sites. This is a combined, Fund and Enforcement, target.

STARS CODE: S/C-5
TARGETED: Y
REPORTED ONLY: N
SUNSET: 1994

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Superfund

National Program Environmental Indicator

GOAL: Identify progress toward permanent site cleanup and controlling threats to people and the environment.

ENVIRONMENTAL INDICATOR: Progress through Environmental Indicators

DEFINITION: The Progress through Environmental Indicators reporting measure documents the number of sites where the following types of results have been achieved:

Reducing Immediate Threats: Controlling Threats to People and the Environment
Progress Toward Permanent Cleanup Goals

These results may be achieved through implementing emergency removal and/or remedial action projects. Results are reported for each of the media affected at a site. These media include contaminated Land, Surface Water, and Ground Water.

Progress toward final cleanup goals applies where the cleanup actions taken will not require further action for the wastes addressed. This progress is reported as Media Clean, part of Media Clean, and Media Cleanup Underway. Reduction of acute threats applies where the action taken will require additional action for the wastes addressed or where the action taken reduces exposures but does not treat, remove or contain contaminated materials.

DATA SOURCE: The data will be reported through CERCLIS.

Office of Solid Waste and Emergency Response
FY 1993
Superfund Definitions

S/C-1 Number of Remedial Action (RA) Activities started through Award of Contract at NPL Sites.

Fund-Financed: Sites (as recorded in CERCLIS) where the EPA, a State, the Corps of Engineers or Bureau of Reclamation has awarded a contract to initiate Fund-financed Remedial Action.

PRP-Financed: Sites (as recorded in CERCLIS) where the PRP has begun substantial and continuous physical action, which is equivalent to an EPA contract award, or where the PRP has taken equivalent action with its own work force.

S/C-2 Number of Remedial Action activities completed at NPL Sites. - An RA is complete when final construction activities are complete, a final inspection has been conducted, the remedy is operating, and is operational and functional and the final RA Report for an Operable Unit has been prepared and approved by the Region.

S/C-3 Number of NPL Sites that have completed. - An NPL site is considered complete when conditions specified in the Action Memorandum or Record of Decision (ROD) have been met and further remediation is not necessary. Remedial/removal implementation is complete as a result of a final RA or a final ROD stating all necessary remediation is complete. A removal completion that cleaned up the site and documented by a ROD stating that all necessary remediation is complete also qualifies a site for completion.

The RA implementation is complete when RA construction activities at the final Operable Unit are complete, and a final construction inspection for the site has been conducted. For the final RA, a Superfund Site Close-Out Report must be prepared which summarizes the site condition and construction activities and demonstrates the NCP criteria for deletion has been met or that the only activity remaining is performance monitoring (long term response).

For a ROD stating all necessary remediation is complete, the date the ROD is signed by the AA OSWER or Regional Administrator/Deputy Regional Administrator is the accomplishment date and is recorded in CERCLIS. There should be no RD or RA activities at this OU.

A Fund-financed removal is complete on the day the contractor has demobilized and left the site, as documented in a POLREP. A PRP-financed removal is complete when a Region has certified that the PRPs or their contractors have completed a removal action and fully met the terms of the AO, CD or judgment.

S/C-4 Number of Sites Where Activity has Started - Number of NPL sites (Final and Proposed) where on-site activity has begun. On-site activity is characterized by either a removal action under the direction of EPA or through an: Administrative Order, Consent Decree, or judgment; or implementation of a first RI/FS at the site but not both.

Fund-Financed: A Fund Removal counts toward this target when: 1) The Action Memorandum has been approved by the On-Scene Coordinator (OSC), Regional Administrator (RA), or Assistant Administrator (AA); and, 2) a contract has been signed for an EPA or U.S. Coast Guard (USCG) on-site removal; and 3) an obligation has either been recorded in the Integrated Financial Management System (IFMS), or has been reported and documented in CERCLIS or when the OSC activates $50,000; and, 4) there is no current or previous on-site Fund-financed or PRP removal activity; and 5) on-site removal work has begun. The date the on-site work began is the start date for the removal action.

PRP-Financed: A Potentially Responsible Party (PRP) Removal counts toward this measure when: 1) there is no current or prior on-site Fund-financed or PRP removal activity; and 2) there is on-site removal activity financed by the PRP in compliance with

an Administrative Order (Unilateral or On Consent) or Consent Decree, or judgment. The date the on-site work began as entered in CERCLIS will be considered the start date for the PRP removal. If the PRP does not comply with a Unilateral Order, credit is not given. Where the PRP is in substantial non-compliance, credit will be withdrawn.

Site status (NPL or Non-NPL) will be determined by the status indicated in CERCLIS when accomplishment reports are pulled. A First RI/FS start means that there has been no prior RI/FS activity at that site.

Fund-Financed: A Fund Program first RI/FS start is counted when: 1)Either a contract has been signed by the Procurement and Contracts Management Division (PCMD), or a Cooperative Agreement has been signed by the Regional Administrator or the official designated by the Regional Administrator to conduct a RI/FS, and 2) obligations have been recorded or documented in CERCLIS as of the end of the reporting period and 3) there is no prior settlement with a PRP for a RI/FS.

The Fund-financed Start is defined as the date of first obligation for a: RI/FS at a site, obligations for forward planning activities, community relations planning and/or similar support activities which do not constitute an RI/FS start. Fund-financed RI/FS include: Federal (F), State (S), and in-house (EP) lead projects as they are used in the FY 1993 Program Management Manual. The appropriate dates must be recorded in CERCLIS.

PRP-Financed: A PRP lead RI/FS Start occurs when an Administrative Order on Consent is issued, an Unilateral Administrative Order is issued or a Consent Decree is referred to Headquarters or the Department of Justice (DOJ) for a RI/FS, and there has been no Fund obligation and no previous settlements for: RI, FS, or RI/FS (see above). The start date is defined as the last signature date by the appropriate official or party (e.g., the RA, DOJ or Headquarters of a Consent Decree for the PRP

to conduct the RI/FS. If the PRPs are performing the RI/FS under a State Order or comparable Enforcement document, and the site is covered by a State Enforcement Cooperative Agreement, Superfund Memorandum of Agreement (SMOA), or other EPA/State agreement, credit will be given based on the date the State order is signed by the last appropriate official or party. (If there is a Settlement for Multiple Operable Units, the start date for the first RI/FS would be the last signature date by the appropriate Federal agency or party.) The appropriate dates must be recorded in CERCLIS.

PRP-financed RI/FSs include: Responsible Party (RP), Mixed Funding (MR), and Responsible Party under State order with Federally funded oversight (PS).

A shift between a Fund, or PRP RI/FS, can occur when there has been a Fund obligation, and work has not proceeded beyond the RI/FS Work Plan approval stage. If a PRP takes over a RI/FS before or at this juncture, the RI/FS lead at this site should be changed from the Fund to PRP. If the PRP begins the RI/FS and is subsequently taken over by the Fund the same criteria apply.

S/C-5 Number of Remedial Program Remedies Selected and Action Memoranda Signed for Removal Actions at NPL Sites - A remedy is selected when a Record of Decision (ROD) has been signed by either the Regional Administrator or Assistant Administrator for OSWER, and the appropriate date has been recorded in CERCLIS. The signature date by the RA or AA represents the ROD completion date. Remedies selected include: Federal (F) and Federal Enforcement (FE), and State Enforcement (SE).

To receive credit for a Fund-financed removal action, an Action Memorandum must be approved by the On-Scene Coordinator, the Regional Administrator or the AA-OSWER. The date of the approval of the Action Memorandum must be recorded in CERCLIS. A PRP-lead removal will be counted when the date of the approval of the Action Memorandum is recorded in CERCLIS or the removal follows the instructions outlined in the Administrative Order of Consent (AC), Unilateral Order (UO) or Consent Decree (CD). The date of the AC, UA or CD must be recorded in CERCLIS.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Superfund Enforcement

GOAL:	Prepare for and respond to hazardous releases.		
OBJECTIVE:	Under Objective 4.2 of the draft OSWER Strategic Plan (FY94-97 , improve the remediation of hazardous waste sites by maximizing Responsible Party participation in the RD/RA process through the use of enforcement tools.		
ACTIVITY:	Target and report enforcement actions for RD and/or RA. (The overall target for this activity is the sum of measures S/E-1(a) and S/E-1(b) below.)		
MEASURE:	RD/RA Settlements: Consent Decree Referrals under Section 106, 107 and 122(d) for RD and/or RA, Unilateral Orders issued under Section 106 for RD and/or RA that are in Compliance, and IAGs for RD/RA at Non-Federal Facility sites.	STARS CODE: TARGETED: REPORTED ONLY: SUNSET:1995	S/E-1(a) Y N
MEASURE:	RD/RA Injunctive Referrals: Referrals, under Section 106 or 106/107, to compel PRPs to conduct RD/RA.	STARS CODE: TARGETED: REPORTED ONLY: SUNSET:1995	S/E-1(b) Y N

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Superfund Enforcement

GOAL: Prepare for and respond to hazardous releases.

OBJECTIVE: Under Objective 4.2 (16) of the OSWER Strategic Plan "increase reimbursement/cost recovery of Superfund Trust Fund dollars," by encouraging Regions to use alternative approaches to resolving cost recovery claims.

ACTIVITY: Report and target the number of Cost Recovery Actions/Decisions Taken greater than or equal to $200,000. Report the number of Cost Recovery Actions/Decisions Taken less than $200,000.

MEASURE: Cost Recovery Actions/Decisions Taken >$200K. Target and report: the number of §107 or §106/107 injunctive referrals for cost recovery, the number of consent decrees for RD/RA that include a cost recovery component, the number of cashout settlements for cost recovery, the number of decision documents prepared not to pursue cost recovery claims, the number of adminstrative cost recovery settlements, the number of cost recovery claims submitted to Alternative Dispute Resolution (ADR), and the number of bankruptcy case filings.

STARS CODE: S/E-2(a)
TARGETED: Y
REPORTED ONLY: N
SUNSET:1995

MEASURE: Cost Recovery Actions/Decisions Taken <$200K. Report: the number of §107 or §106/107 injunctive referrals, the number of consent decrees for RD/RA that include a cost recovery component, the number of cashout settlements for cost recovery, the number of decision documents prepared not to pursue cost recovery claims, the number of adminstrative cost recovery settlements, and the number of cost recovery claims submitted to Alternative Dispute Resolution (ADR), and the number of bankruptcy case filings.

STARS CODE: S/E-2(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET:1995

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Superfund Enforcement

GOAL: Prepare for and respond to hazardous releases.

OBJECTIVE: To obtain de minimis settlements as early as posssible at NPL sites. To encourage de minimis settlements with as many qualified parties as possible prior to the selection of remedies at appropriate sites.

ACTIVITY: Report the number of de minimis settlements under Section 122(g), and the number PRP signatories to the settlements. Report the number of §122(g) de minimis settlements, and PRP signatories, prior to a ROD at the site.

MEASURE: Report by site the number of de minimis §122(g) settlements and the number of potential responsible parties (PRPs) signatories to each agreement.

STARS CODE: S/E-3(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET:1995

MEASURE: Report by site the number of de minimis settlements and the number of PRP signatories to each settlement, reached under §122(g), prior to a first remedy selection (ROD signature) at the site. Post ROD de minimis settlements will not count towards this measure.

STARS CODE: S/E-3(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET:1995

S/E - 1(a): RD/RA Settlements

This measure includes all Consent Decree Referrals under Sections 106, 107 and 122(d) for potentially responsible parties (PRPs) to conduct or pay for Remedial Design and/or Remedial Actions (RD/RA). It includes mixed funding and cash out settlements for RD and/or RA. Credit for the Consent Decree referral is the date on the Regional Administrator's transmittal memo to Headquarters (HQ) or to the Department of Justice (DOJ) as recorded in CERCLIS. AOCs for Remedial Design (RD) only do not count toward this measure.

Regions also receive credit for this measure for Unilateral Administrative Orders (UAOs) issued under Section 106 for RD and/or RA that are in Compliance. Credit for UAOs is the date PRPs provide notice of intent to comply with the order as recorded in CERCLIS. (Should a PRP initially comply with a UAO, and later a consent decree is agreed to for the same work, credit will be for the UAO only.) Credit for IAGs for RD/RA at non-Federal Facility sites is based on the signature date (as entered in CERCLIS) of the Waste Management Division Directors or their designees.

S/E - 1(b): RD/RA Injunctive Referrals

This measure includes injunctive referrals, under Section 106 or 106/107, to compel PRPs to conduct RD and/or RA. Credit for the referral is the date on the Regional Administrator's transmittal memo to HQ or DOJ as recorded in CERCLIS. (Referrals for preliminary relief or penalties do not count toward this measure.)

S/E - 2 (a & b): Cost Recovery Actions/Decisions Taken (>=$200K & <$200K)

This measure is divided into two categories. The two categories of Cost Recovery Actions/Decisions Taken are for estimated past costs greater than or equal to $200,000, and for past costs less than $200,000. Cost Recovery Actions/Decisions >$200,000 will be targeted. Cost Recovery Actions/Decisions are for: 1) injunctive (§107 or §106/107) referrals for Fund-financed removals, RI/FS, RD or RA. 2) settlements for past costs under a consent decree, 3) settlements for past costs through a cashout, 4) preparation of a decision document not to pursue cost recovery, 5) administrative cost recovery settlements (including RI/FS and Removal consent orders where past costs are recovered), 6) initiation of Alternative Dispute Resolution for cost recovery, and 7) Bankruptcy filings.

S/E - 2 Con't.

Credit for settlement referrals will be given for only those cases where there has been no previous injunctive referral. Credit for the referral is the date on the Regional Administrator's transmittal memo to HQ or to DOJ as recorded in CERCLIS. (It is possible for a Region to receive credit for a referral under S/E-1 as well as this measure). Where a judicial referral is targeted and an administrative settlement greater than $200,000 is achieved, credit will be given on the date of issuance or the date the administrative settlement is transmitted to HQ or DOJ for concurrence (total anticipated site costs greater than $500,000). Credit is given for each referral and not the number of sites covered by the referral. Credit for Alternative Dispute Resolution (ADR) is based on the actual start date entered in CERCLIS. No additional credit will be given for an administrative settlement reached as a result of ADR. Credit for bankruptcy filings is based on the date (as entered in CERCLIS) when the creditor committee holds its first meeting with the bankruptcy trustee, or the date (as recorded in CERCLIS) when the strategy package is assembled.

S/E - 3(a) and (b): De Minimis Settlements

De minimis settlement reached under Section 122(g) only. **S/E-3(a)**: These are the number of settlements (AOCs/CDs) by site, and the number PRP signatories to each settlement, reached under Section 122(g). Credit for a final settlement is identified when: an AOC is issued to the PRPs (as recorded in CERCLIS), and for a Consent Decree, when the Regional Administrator (RA) or designee signs the transmittal memo to Headquarters or to the Department of Justice (as recorded in CERCLIS). **S/E-3(b)**: These are the number of de minimis settlements, and the number PRP signatories to those settlements (AOCs/CDs) by site, reached under Section 122(g) prior to the first operable unit remedy selection at the site. Credit for a final settlement is identified when: an AOC is issued to the PRPs (as recorded in CERCLIS), and for a Consent Decree, when the RA signs the transmittal memo to Headquarters or to the Department of Justice (as recorded in CERCLIS).

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Oil Pollution Act

GOAL: Prevent harmful releases of oil and hazardous substances into the environment.

OBJECTIVE: Reduce catastrophic or harmful releases of oil and hazardous substances.

ACTIVITY: SPCC Inspections

MEASURE: Report the number of facilities with a planned SPCC inspection completion.

STARS CODE: OPA-1(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1995

MEASURE: Report the number of facility inspections completed as a result of a spill violation.

STARS CODE: OPA-1(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1995

ACTIVITY: SPCC Violations

MEASURE: Report the number of violations of Section 311(j) of the Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA), identified by EPA.

STARS CODE: OPA-2
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1995

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Oil Pollution Act

GOAL: Prepare for and respond in a timely and effective manner to releases of oil and hazardous substances into the environment.

OBJECTIVE: Improve preparedness of Federal, State and local entities to respond to releases of petroleum and hazardous material into the environment.

ACTIVITY: Oil Spill Responses

MEASURE:	Report the number of EPA responses to oil or CWA Section 311 hazardous substance spills.	STARS CODE: OPA-3(a) TARGETED: N REPORTED ONLY: Y SUNSET: 1995
MEASURE:	Report the number of responsible party responses conducted under an order issued pursuant to OPA.	STARS CODE: OPA-3(b) TARGETED: N REPORTED: Y SUNSET: 1995
MEASURE:	Report the number of incidents where EPA directs responses and EPA participates on-site for responses against the total number of oil or CWA Section 311 hazardous substances spills reported.	STARS CODE: OPA-4 TARGETED: N REPORTED: Y SUNSET: 1995

ACTIVITY: Enforcement actions

MEASURE:	Report the number of violations of Sections 311(j) and 311(b)(3) of CWA, as amended by OPA, addressed through an enforcement action including administrative complaints issued and judicial referrals.	STARS CODE: OPA-5 TARGETED: N REPORTED ONLY: Y SUNSET: 1995

Office of Solid Waste and Emergency Response
FY 1993
Oil Pollution Act Definitions

OPA-1 Number of Facilities With Completed SPCC Inspections - This measure includes planned inspections and those resulting from a spill violation. SPCC inspections involve review of required SPCC plans and inspection of facilities and equipment. Credit will be received when the inspection has been completed and recorded in CERCLIS.

OPA-2 Number of SPCC Violations - This measure counts the number of violations identified by EPA as a result of inspections conducted.

OPA-3 Number of Oil Spill Responses - This measure counts both EPA and other party responses. EPA participation may involve using OPA funds to clean up a spill, directing the response activities, or consulting with the responders. This measure also counts removals conducted by a responsible party as a result of orders EPA issues to a responsible party to conduct a removal of an oil spill in violation of Section 311(b) of the Clean Water Act, as amended by the Oil Pollution Act. The removal shall be counted on the date the order is issued to the responsible party.

OPA-4 Percentage of Responses directed by EPA or EPA participates on-site against the total number of oil spills reported - This measure counts the number of responses EPA directs and other response participation against the total number of oil and CWA Section 311 hazardous substance spills reported in the Emergency Response Notification System (ERNS).

OPA-5 Number of Enforcement Actions - This measure counts the number of violations that result in an enforcement action. An administrative complaint shall be counted on the date it is issued to the respondent. A judicial case shall be counted on the date of the referral letter/cover memo to the Department of Justice.

Office of Solid Waste and Emergency Response
FY 1993
Chemical Emergency Preparedness and Prevention Office

GOAL: To prepare for and respond in a timely and effective manner to releases of hazardous substances into the environment.

OBJECTIVE: To improve the preparedness of Federal, State and local entities to respond to release of petroleum and hazardous material into the environment.

ACTIVITY: Technical assistance and training activities

MEASURE: Report and describe technical assistance and training activities which EPA conducted, sponsored, developed, assisted in developing, participated in, or presented.

STARS CODE: CEP-1
TARGETED: YES
REPORTED ONLY: NO
SUNSET: 1991

GOAL: To prevent harmful releases of oil and hazardous substances into the environment.

OBJECTIVE: Improve release prevention practices and technologies.

ACTIVITY: Accidental Release Information Program questionnaires

MEASURE: Report number of Accidental Release Information Program (ARIP) questionnaires returned by facilities having releases.

STARS CODE: CEP-2
TARGETED: No
REPORTED ONLY: Yes
SUNSET: 1991

ACTIVITY: Chemical safety audits

MEASURE: Report on number of chemical safety audits conducted.

STARS CODE: CEP-3
TARGETED: Yes
REPORTED ONLY: No
SUNSET: 1991

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
Office of Waste Programs Enforcement
FY 1993
Program Area: CERCLA/EPCRA ENFORCEMENT

GOAL: Prevent harmful releases of oil and hazardous substances into the environment.

OBJECTIVE: Reduce catastrophic or harmful reslease of oil and hazardous substances.

ACTIVITY: Penalty Enforcement Actions. Report the number of:

MEASURE: Administrative complaints referred to Office of Regional Counsel.

STARS CODE: C/E-1
TARGETED: YES
REPORT ONLY: NO
SUNSET:

CEP-1 TECHNICAL ASSISTANCE

The provision of expertise to improve preparedness capabilities and to stimulate initiatives taken by SERCS, Tribes, LEPCs, and labor, environmental trade and professional organizations to prevent accidental releases of chemicals. It includes consultation (in the field with the recipient), workshops, or other means. It does not include formal training courses; the provision of equipment; telephone conversations, except where the assistance involves a series of lengthy calls and written material is prepared or provided as a follow-up to the call; or update reports provided at conferences or meetings. This assistance includes, but is not limited to:

- Assistance in organizing, developing, and implementing preparedness, prevention, or community right-to-know programs and activities;
- Assistance in organizing and conducting CEPP-related workshops;
- Assistance in development and review of emergency plans (including hazards analysis);
- Assistance in the exercise of table-top, full field, or functional exercises conducted to test or evaluate a contigency plan;
- Assistance in information management or risk communication;
- Assistance in development of haz-mat teams;
- Assistance in dispersion modeling and air-monitoring;
- Assistance in evaluation or installation of alarm/alerting systems;
- Assistance in developing and conducting projects for enhancing chemical process safety;
- Assistance in projects which increase the integration or preparedness efforts and response activities such as participation in a multi-party local planning/response team, such as EPA, Coast Guard and local industry;
- Assistance in projects which enhance capabilities of SERCs/Tribal Emergency Response Commissions/LEPCs which are not fully functioning such as a review of an LEPC, followed by the assistance described above.

TRAINING ACTIVITIES

Formal educational presentations using instructional materials and techniques. In-house EPA training for EPA employees or EPA contractors will not count toward meeting this measure. In order to meet this measure, EPA must have developed and/or presented the training activity. The term "EPA" refers to the CEPP office.

CEP-2 ACCIDENTAL RELEASE INFORMATION PROGRAM

Program designed to:

a) To focus high-level management attention on facilities having repeated or "serious" releases, which may stimulate them to undertake prevention initiatives on their own; and

b) To provide EPA with accurate information on the causes of releases and the activities currently underway in the private sector to prevent them from occurring.

TRIGGERED RELEASES

The Accidental Release Information Program (ARIP) is focusing on releases which are "serious". Currently, the criteria or triggers being utilized to identify "serious" releases are:

- Starting with the fourth release and ending with the tenth release in a twelve-month period.
- A release greater than 1,000 lbs. for hazardous substances having RQs = 1, 10 or 100 lbs. and a release greater than 10,000 lbs. for hazardous substances having RQs = 1,000 or 5,000 lbs.
- Any release resulting in death, injury, or severe environmental damage.
- A release of an extremely hazardous substance above the RQ.

LETTERS/QUESTIONNAIRES

Once a facility has met a trigger, the Region is required to draft a letter combining the authorities of CERCLA, SARA, CAA, and RCRA, send it to the plant manager, along with the questionnaire EPA has developed. A copy of the response must be sent to Headquarters.

CEP-3 ON-SITE CHEMICAL SAFETY AUDIT

An on-site review of a particular process/handling and management operations at a site from a chemical process safety standpoint and includes the preparation of and submittal to Headquarters of a final report of the on-site review. It is an audit of safety procedures, facility equipment, training and contingency planning, as well as management commitment.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

OFFICE OF WASTE PROGRAMS ENFORCEMENT
FY 1993
CERCLA/EPCRA ENFORCEMENT DEFINITIONS

C/E-1: PENALTY ENFORCEMENT ACTIONS

Referred means that the administrative complaint being submitted to the Office of Regional Counsel is in near final form, that all evidence supporting the counts alleged in the complaint be documented in the case file, that all penalty calculations be documented in the case file, and that a memorandum be sent from the division requesting ORC review of the complaint.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
PROGRAM AREA: CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION

National Program Environmental Indicator

GOAL: To prevent harmful releases of oil and hazardous substances into the environment.

ENVIRONMENTAL INDICATOR: Reduction in the number and/or severity of accidental releases of hazardous substances that have a negative impact on human health and the environment.

DEFINITION: "Accidental releases" of hazardous substances (as regulated under CERCLA Section 103, under CAA Section 301) refers to accidents that are severely damaging, large, or frequent. "Negative impact on human health" refers to the loss of life, serious injuries in the community, and/or catastrophic impacts on the environment (e.g., damage to property, natural resources, or both, amounting to $100 million or more).

DATA SOURCE: Accidental Release Information Program (ARIP) data collection, as well as other date systems, will be evaluated as a starting point in the development of an indicator that reflects the number and/or severity of accidental releases. Also, the Chemical Accident Prevention Advisory Committee has established a subcommittee to evaluate measures of success for prevention practices and programs. Based on their and EPA Regional Office input, we expect to revise this indicator in FY 94. To the extent possible, we will work toward developing an indicator/STARS measure that reflects environmental progress or results.

Office of Solid Waste and Emergency Response
RCRA Program
FY 1993

NOTE: Measures and definitions marked "draft" are under development in conjunction with the FY 1993 RCRA Implementation Plan (RIP). Regional and State comments are being solicited through the RIP development process.

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Permitting and Closure

Goal: Ensure the environmentally sound management of solid and hazardous waste.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C program.

ACTIVITY: Track operating permit final determinations and permit modifications at RCRA TSDFs.

MEASURE: Number of RCRA TSDFs to receive operating permit final determinations during fiscal year.

STARS CODE:	R/C-1a
TARGETED:	NO
REPORT ONLY:	YES
SUNSET:	2/93

ACTIVITY: Track progress of closure activity at RCRA TSDFs

MEASURE: Number of RCRA TSDFs to receive closure plan approval during fiscal year.

STARS CODE:	R/C-2a
TARGETED:	NO
REPORT ONLY:	YES
SUNSET:	2/93

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Permitting and Closure

ACTIVITY: Track progress of Post-Closure permitting activity at closed and closing Land Disposal units at RCRA TSDFs

MEASURE: Number of Post-Closure Part B applications called in for high priority facilities.

STARS CODE: R/C-3a
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/93

MEASURE: Number of Post-Closure final determinations

STARS CODE: R/C-3c
TARGETED: YES
REPORT ONLY: NO
SUNSET: 2/93

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Permitting And Closure Definitions

R/C-1a

Number of RCRA TSDFs to receive operating permit final determinations during fiscal year. Count only one permit per facility per date. A single permit covering multiple processes (e.g., Land Disposal and Storage and Treatment) at a single facility will be counted only once. Facilities receiving two permits, each on separate dates, will be counted twice.

R/C-2a

Number of RCRA TSDFs to receive closure plan approval during fiscal year. Count only one closure plan approval per facility per date. A single closure plan covering multiple processes (e.g., Land Disposal and Storage and Treatment) at a single facility will be counted only once. Facilities receiving two closure plan approvals, each on separate dates, will be counted twice.

R/C-3a

Number of RCRA TSDFs Post-Closure applications called-in for high priority facilities during fiscal year. Count only one Post-Closure application called-in per facility per date. Facilities with two separate Post-Closure applications called-in, each on separate dates, will be counted twice.

R/C-3c

Number of RCRA TSDFs Post-Closure final determinations made during fiscal year. Count only one Post-Closure final determination during fiscal year per facility per date. Facilities with two separate Post-Closure final determinations during the fiscal year, each on separate dates, will be counted twice.

DRAFT

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Corrective Action

Goal: Prepare for and respond to in a timely and effective manner to releases of hazardous substances into the environment.

OJECTIVE: Develop an integrated cleaqnup program

ACTIVITY: Track progress of facilities through the corrective action pipeline's three targeted stages.

MEASURE: STAGE I: Information Collection and Study at High NCAPS Priority Pipeline Facilities	STARS CODE:	R/J-1a
	TARGETED:	YES
	REPORT ONLY:	NO
	SUNSET:	2/93
MEASURE: STAGE II: Remedy Development and Selection at High NCAPS Priority Pipeline Facilities	STARS CODE:	R/J-1b
	TARGETED:	YES
	REPORT ONLY:	NO
	SUNSET:	2/93

ACTIVITY: Track progress toward completing key activities in the corrective action program

MEASURE: Number of TSDFs evaluated for near term actions to reduce risk and control containment releases (i.e., stabilization evaluations)	STARS CODE:	R/J-2
	TARGETED:	NO
	REPORT ONLY:	YES
	SUNSET:	2/93

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MEASURE: Number of TSDFs with actions initiated to reduce and control the spread of containment releases. Actions are Stage III at High NCAPS priority facilities and near term risk reduction (i.e., stabilization measures underway at H/M/L NCAPS facilities.)

(This measure may be revised)

STARS CODE: R/J-3
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/93

DRAFT

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Corrective Action Definitions

R/J-1a

Stage I: Information Collection and Study at NCAPS high priority pipeline facilities. Consider the following activities to be part of this Stage of the corrective action process: RFI Workplan Approved, RFI completed. This measure will count the number of facilities which have moved into this stage for the first time. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action priority OR stabilization is underway but the facility must continue through to final remedy for other acceptable reasons.

R/J-1b

Stage II: Remedy Development and Selection at NCAPS high priority pipeline facilities. Consider the following activities to be part of this Stage of the corrective action process: CMS Workplan Approved, CMS Completed, Remedy Selected, Corrective Measures Design Approved. Count facilities which have moved into this stage of process for the first time. Facilities should only move into this stage if they are not feasible candidates for stabilization and are still of high corrective action priority OR stabilization is underway but the facility must continue through to final remedy for other acceptable reasons.

R/J-2

Definition is being developed.

R/J-3

Definition is being developed

DRAFT

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Waste Minimization

Goal: Minimize the quanity and toxicity of waste created by commercial, industrial and governmental activity.

ACTIVITY: Number of facility specific waste minimization programs reviewed by EPA or the States.

STARS CODE:
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/93

(Definition under development)

DRAFT

OFFICE OF SOLID WASTE
FY 1993
RCRA Subtitle C: Biennial Report

Goal: Ensure the environmentally sound management of solid and hazardous waste.

OBJECTIVE: States actively plan for adequate capacity to ensure the safe management of their wastes.

ACTIVITY: Timely completion of Biennial Report data.

MEASURE: Number of States for which the Region provides a final and complete Biennial Report data submission to Headquarters by 11/30/92.

STARS CODE: R/PM-2
TARGETED: NO
REPORT ONLY: YES
SUNSET: 2/93

(Definition under development)

OFFICE OF SOLID WASTE
FY 1993
Program Area: Municipal Solid Waste Program

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: Ensure the proper management on municipal solid wastes (MSW) in all States/Tribes.

ACTIVITY: Submittal of State/Tribal application for determination of adequacy of MSW landfill permit program.

MEASURE: Number of States/Tribes submitting applications for determination of adequacy under Section 3.

STARS CODE: R/D-1a
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/93

ACTIVITY: Regional determination of adequacy of State/Tribal permit program.

MEASURE: Number of Regional determinations of adequacy completed (include both determinations of adequacy and determinations of inadequacy).

STARS CODE: R/D-1b
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 2/93

OFFICE OF SOLID WASTE
FY 1993
Municipal Solid Waste Program Definitions

R/D-1a

Number of States/Tribes submitting complete applications for determination of adequacy.

R/D-1b

Number of determinations Region publishes in the Federal Register; report number of determinations by adequate and inadequate.

DRAFT

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: RCRA Enforcement

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C Program.

MEASURE:	Report the number of formal administrative actions issued year-to-date (including 3008(a), 3008(h), 3013, and 7003).	STARS CODE: R/E-1 TARGETED: N REPORTED ONLY: Y SUNSET: 1994
MEASURE:	Report the number of SNCs in existence as of October 1, 1992 (as a result of an inspection conducted prior to October 1, 1988), that have had formal actions and have not returned to compliance with all violations which caused them to be in SNC.	STARS CODE: R/E-2 TARGETED: N REPORTED ONLY: Y SUNSET: 1994
MEASURE:	Report, year-to-date, the number of enforcement settlements which incorporate pollution prevention or pollution reduction activities (administrative and judicial orders).	STARS CODE: R/E-3 TARGETED: N REPORTED ONLY: Y SUNSET: 1994
MEASURE:	Report, year-to-date, the number of TSDFs in compliance.	STARS CODE: R/E-4 TARGETED: N REPORTED ONLY: Y SUNSET: 1994

DRAFT

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: RCRA Enforcement

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C Program.

OPTION 1 FOR DETERRENCE MEASURE

MEASURE: Report the number of facilities out-of-compliance with a Consent Agreement and Final Order (CAFO) issued in FY 91.

STARS CODE: R/E-5a
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1994

NOTE: The purpose of this measure is to establish the universe of facilities that are out-of-compliance with issued CAFOs.

MEASURE: Report the number of subsequent administrative actions or civil referrals issued to enforce provisions of each CAFO identified in R/E-5a.

STARS CODE: R/E-5b
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1994

NOTE: The purpose of this measure is to determine the deterrent effect of CAFOs.

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: RCRA Enforcement

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C Program.

OPTION 2 FOR DETERRENCE MEASURE

MEASURE: Report the ratio of TSDs with subsequent violations of the same type after a FY 91 final enforcement action to TSDs without subsequent violations of the same type after a FY 91 final enforcement action. (within 3 years).

STARS CODE: R/E-5a
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1994

NOTE: The purpose of this measure is to determine whether formal enforcement actions deter non-compliance subsequent violation of the same type.

MEASURE: Report the ratio of TSDs with subsequent violations of the same type after a FY 92 final enforcement action to TSDs without subsequent violations of the same type after a FY 92 final enforcement action. (within 3 years).

STARS CODE: R/E-5b
TARGETED: N
REPORTED ONLY: Y
SUNSET: 1994

DRAFT

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: RCRA Enforcement

GOAL: Ensure the environmentally sound management of solid and hazardous wastes.

OBJECTIVE: Create a more effective and rational RCRA Subtitle C Program.

OPTION 3 FOR DETERRENCE MEASURE

NOTE: The purpose of these measures is to determine whether formal enforcement activities deter non-compliance with subsequent violations of any type.The measures are broken down by FY 91 & 92 to determine deterrence trends over a two-year period.

MEASURE:	Report the ratio of TSDs with subsequent violations of any type after a FY 91 final enforcement action to TSDs without subsequent violations of any type after a FY 91 final enforcement action. (within 3 years).	STARS CODE: R/E-5a TARGETED: N REPORTED ONLY: Y SUNSET: 1994
MEASURE:	Report the ratio of TSDs with subsequent violations of any type after a FY 92 final enforcement action to TSDs without subsequent violations of any type after a FY 92 final enforcement action. (within 3 years).	STARS CODE: R/E-5b TARGETED: N REPORTED ONLY: Y SUNSET: 1994

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
RCRA Enforcement Definitions

Definitions for the new STARS Measures are being developed. Regions will be given the opportunity to comment on the definitions before the definitions are finalized.

OFFICE SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Underground Storage Tanks

GOAL: Prepare for and respond in a timely and effective manner to releases of hazardous substances into the environment.

OBJECTIVE: Enhance State capabilities to clean up hazardous and petroleum waste sites.

MEASURE: Number of States submitting complete applications for State program approval.

STARS CODE: UST-1(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: FY 1993

MEASURE: Number of States with authorized programs.

STARS CODE: UST-1(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: FY 1993

OBJECTIVE: Improve identification and remediation of hazardous and petroleum waste sites.

MEASURE: Number of site cleanups for petroleum releases initiated, by either responsible parties or States (Report separately for responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money).

STARS CODE: UST-2(a)
TARGETED: N
REPORTED ONLY: Y
SUNSET: FY 1993

MEASURE: Number of petroleum releases under control, by either responsible parties or States (Report separately for responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money).

STARS CODE: UST-2(b)
TARGETED: N
REPORTED ONLY: Y
SUNSET: FY 1993

OFFICE SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Underground Storage Tanks

MEASURE: Number of site cleanups for petroleum releases completed, by either responsible parties or States (Report separately for responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money.)

STARS CODE: UST-2(c)
TARGETED: N
REPORTED ONLY: Y
SUNSET: FY 1993

MEASURE: Number of sites where a release has been confirmed.

STARS CODE: UST-3
TARGETED: N
REPORTED ONLY: Y
SUNSET: FY 1993

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Office of Underground Storage Tanks Definitions

UST-1(A) Number of States submitting complete applications for State program approval.
The State has submitted an application for program approval and the Region has determined that the application is "complete" in accordance with the application components required by the regulations. Information reported should indicate whether the State application is for a partial program (either petroleum or chemical USTs) or a complete program (both petroleum and chemical USTs). Quarters 2,3, and 4 are reported cumulatively.

UST-1(B) Number of States with authorized programs.
The State program has been approved by the Regional Administrator according to the regulations to operate in lieu of the Federal program. This measure includes interim authorizations. Information reported should indicate whether the State program authorization is for a partial program (either petroleum or chemical USTs) or a complete program (both petroleum and chemical USTs). Quarters 2,3, and 4 are reported cumulatively.

UST-2(A) Number of site cleanups for petroleum releases initiated, by either responsible parties or States (Report separately for responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money).
The total number of specific sites at which the State or responsible party under its supervision has initiated management of petroleum-contaminated soil, OR removal of free petroleum product, OR management or treatment of dissolved petroleum contamination caused by a release from an UST. Site investigations and emergency responses do not qualify as cleanup actions. Report responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money, cleanups separately. This measure includes all cleanups initiated by a State, whether involving Federal funds under a LUST Trust Fund cooperative agreement or involving only State funds. (This is a cumulative measure. The number in the first quarter of FY 1993 should include those sites with actions initiated from FY 1988 through FY 1992.)

UST-2(B) Number of petroleum releases under control, by either responsible parties or States (Report separately for responsible party lead, state lead with Trust Fund money, and State lead with no Trust Fund money).
The total number of petroleum releases from an UST at which the State or responsible party under State supervision has performed ALL the following tasks: 1) stopping the flow of free product into the environment; 2) mitigating any fire and safety hazards (e.g., abating dangerous levels of fumes in basements of homes and other affected buildings); 3) managing contaminated soils as directed by

UST-2(B) con't.

the State; 4) determining the presence of free product floating on the water table and beginning removal of it according to a plan submitted to the State; and 5) determining whether drinking water supplies are contaminated and assuring that alternative supplies of potable water are available when the State determines that the water supplies should not be used. Report responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money, cleanups separately. This measure includes all releases under control by a State, whether involving Federal funds under a LUST Trust Fund cooperative agreement or involving only State funds. (This is a cumulative measure. The number in the first quarter of FY 1993 should include those sites with action completed from FY 1988 through FY 1992.)

UST-2(C) Number of site cleanups for petroleum releases completed, by either responsible parties or States (Report separately for responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money).
This means the total number of specific sites of a petroleum release from an UST at which the State has determined that no further cleanup actions are necessary at the site. Report responsible party lead, State lead with Trust Fund money, and State lead with no Trust Fund money, cleanups separately. This measure includes all releases completed by a State, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only State funds. (This is a cumulative measure. The number in the first quarter of FY 1993 should include those sites with cleanups completed prior to FY 1993.)

UST-3 Number of sites where a release has been confirmed.
Confirmed releases are the number of sites where the owner/operator has identified a release, reported the release to the State/local or other designated implementing agency (e.g., fire department) and the State/local implementing agency verifies the release according to State procedures such as a site visit (including State contractors), or a phone call, follow-up letter or other reasonable information that confirms the release (e.g., failed tank tests).

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1993
Program Area: Underground Storage Tanks

National Program Environmental Indicator

GOAL:

ENVIRONMENTAL INDICATOR: At present, the Office of Underground Storage Tanks has not developed any environmental indicators. Progress towards proper environmental management is gauged through previous measures.

DEFINITION:

DATA SOURCE:

OFFICE OF PESTICIDE PROGRAMS

FY 1993 MEASURES AND DEFINITIONS

FOR THE

STRATEGICALLY TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Pesticides

GOAL: Risk Reduction

OBJECTIVE: Protect health and the environment from any unreasonable effects from pesticides currently in use.

MEASURE: Establishment of ___ comprehensive data requirements in data call ins.

Stars Code: P-1
Targeted: Q1, Q2, Q3, Q4
Reported Only: N
Sunset: N

OBJECTIVE: Restrict or ban the use of pesticides posing unreasonable effects to human health and the environment.

MEASURE: Publication of ___ reregistration eligibility documents or "other appropriate regulatory actions."

Stars Code: P-2
Targeted: Q1, Q2, Q3, Q4
Reported Only: N
Sunset: N

MEASURE: Reregister ___ specific products (determination that a pesticide meets the requirements of section 3(c)(5)). This step does not take place until up to 14 months after the determination of eligibility for reregistration.

Stars Code: P-3
Targeted: Q1, Q2, Q3, Q4
Reported Only: N
Sunset: N

MEASURE: Complete ___ special review decisions.

Stars Code: P-4
Targeted: Q1, Q2, Q3, Q4
Reported Only: N
Sunset: N

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Pesticides

GOAL: Risk Reduction

OBJECTIVE: Prevent unreasonable risks from pesticide active ingredients and products and encourage use of safer pesticides.

ACTIVITY: Complete final decisions on new active ingredients and applications for registration in a timely manner and report on the overdue active ingredients and applications.

MEASURE:	New Active Ingredients (New Chemicals/New Biochemicals/Microbiological Reviews): ___	Stars Code: P-5 Targeted: Q1, Q2, Q3, Q4 Reported Only: N Sunset: N
MEASURE:	Old Chemical Applications: ___	Stars Code: P-6 Targeted: Q1, Q2, Q3, Q4 Reported Only: N Sunset: N
MEASURE:	Amended Registration Applications: ___	Stars Code: P-7 Targeted: Q1, Q2, Q3, Q4 Reported Only: N Sunset: N
MEASURE:	New Use Applications: ___	Stars Code: P-8 Targeted: Q1, Q2, Q3, Q4 Reported Only: N Sunset: N

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Pesticides

GOAL: Risk Reduction

MEASURE:	Complete final decisions on ___ emergency exemptions. (Note: These may vary based on the number of petitions and exemptions received by the EPA. The Office of Pollution Prevention will compare the number of petitions and exemptions actually processed each quarter with the number administratively targeted to be processed.)	Stars Code: P-9 Targeted: Q1, Q2, Q3, Q4 Reported Only: N Sunset: N
MEASURE:	Process ___ final decisions on tolerance petitions within quarterly targets and report on the backlog of overdue petitions. (See above note for emergency exemptions.)	Stars Code: P-10 Targeted: Q1, Q2, Q3, Q4 Reported Only: N Sunset: N
MEASURE:	Ground Water	Stars Code: P-11 Targeted: Q1, Q2, Q3, Q4 Reported Only: Y Sunset: Y
MEASURE:	Endangered Species	Stars Code: P-12 Targeted: Q1, Q2, Q3, Q4 Reported Only: Y Sunset: Y
MEASURE:	Worker Protection	Stars Code: P-13 Targeted: Q1, Q2, Q3, Q4 Reported Only: Y Sunset: Y

P-1 Establishment of Comprehensive Data Requirements in Data Call Ins

Comprehensive data requirements will be developed for chemicals:

List A consists of pesticide active ingredients for which Registration Standards have been issued as of December 24, 1988; and the other three lists (Lists B, C and D) are to include all other active ingredients contained in a product first registered before November 1, 1984, for which Registration Standards have not been issued.

Reregistration of these chemicals will be accomplished in the following phases:

Phase 1: EPA is required to publish lists of pesticide active ingredients subject to reregistration and to ask registrants of pesticide products containing those active ingredients whether they intend to seek reregistration.
Phase 2: Registrants inform EPA of intent to seek reregistration, comply with data requirements and pay first portions of reregistration fee.
Phase 3: Registrants submit required existing studies and pay final reregistration fee.
Phase 4: Independent EPA review of registrant submissions and identification and call in of any additional data requirements.
Phase 5: EPA conducts reregistration review of each active ingredient and takes appropriate regulatory action.

Definition: For List A chemicals, this would be the mailing of a Data Call In (DCI) as a result of the inventory. For Lists B, C and D, this would be the Phase 4 DCI mailing.

P-1 Establishment of Comprehensive Data Requirements in Data Call Ins

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-2 Publication of Reregistration Eligibility Documents (RED) or "Other Appropriate Regulatory Action"

Definition: For all lists, this would be the Phase 5 determination required by Section 4(g)(2)(A) as to whether pesticides containing a given active ingredient are eligible for reregistration. For chemicals deemed eligible for reregistration, the document would be the equivalent of a registration standard and would also call in product specific data. For those List B, C and D chemicals, and List A chemicals following the inventory based DCI, which are deemed ineligible there may be a range of actions from another DCI to a referral to special review. Whatever the "non-eligibility" determination is, it would be announced in the Federal Register and would be a completion under this measure.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-3 Product Specific Reregistration

Definition: A determination that a pesticide meets the requirements of Section 3(c)(5). This step does not occur until up to 14 months after the determination of eligibility for reregistration.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-4 Special Review Decisions

Definition: Special Review accomplishments include those actions which require intensive resources for Agency resolution in addition to Position Documents. Major Federal Register status reports, similar to those prepared for 2,4-D, are resource intensive and serve much the same purpose as Position Documents in keeping the public informed of our findings. Therefore, the definition of Special Review accomplishments includes actions of this type as well as Position Documents. Tolerance revocations (proposed and final) also will not be counted as Special Review accomplishments.

In addition to issuance of Position Documents, the following types of resolutions are included in Special Review decisions:

1) returning the chemical to the pesticide registration process:
   a) after deciding not to initiate a Special Review before a Grassley-Allen letter is issues, or
   b) after deciding not to initiate a Special Review subsequent to the issuance of a Grassley-Allen letter;
2) voluntary cancellation by the applicant;
3) cancellation or suspension of the Special Review by EPA;
4) a negotiated settlement on modifications to the terms and conditions of the registration with the registrant whether the chemical:
   a) is in Special Review, or
   b) is being consider for Special Review;
5) proposed and final Notices of Intent to Cancel; and
6) a major status report explaining the Agency's position on a chemical or class of chemicals, either in Special Review or being considered for Special Review, or interpretation of Special Review criteria.

The position documents are:

PD-1: reviews the available scientific data and addresses whether a chemical has met or exceeded Special Review risk criteria (if a chemical does not exceed the criteria, it is typically returned to the registration process). A PD-1 is considered completed when the Federal Register notice has been signed by the AA;

PD-2: terminates the Special Review because the risk of concern has been rebutted;

PD-2/3: analyzes the risks and benefits of the Special Review chemicals and any alternatives to the various uses of the chemical, identifies feasible regulatory options and proposes a decision. A PD-2/3 is considered completed when the Federal Register notice has been signed by the AA; and

PD-4: reflects the Agency's final decision. The PD-4 incorporates comments received on the PD-2/3 from the FIFRA Scientific Advisory Panel, the Department of Agriculture and other public responses, along with appropriate analysis of the comments. The PD-4 typically calls for continued registration with certain terms and conditions or cancellations for some or all uses of the pesticide or pesticides. A PD-4 is considered completed when the Federal Register notice has been signed by the AA.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-5 New Active Ingredients

OPP defines the following as "final decisions" for purposes of measuring performance in the registration program:

a) withdrawal by applicant;
b) denial or registration;
c) unconditional registration; and
d) conditional registration.

New Chemicals - Applications for registration of a pesticide active ingredient that is not currently registered under FIFRA. Final decisions may result in denial, unconditional registration, conditional registration or administrative denial.

NOTE: Registration of a food-use chemical, i.e. a chemical that might leave a residue on a food or feed item, requires the establishment of a tolerance or exemption from tolerance.

New Biochemical/Microbiological - Application for registration of new biochemical or microbial products not currently registered with the Agency, whether for food use of non-food use. Included under these activities are:

- biochemical products (pheromone, insect or plant growth regulators and hormones used as pesticides);
- microbial products (viruses, bacteria, protozoa and fungi -- any living organism introduced into the environment to control the population or biological activities of another life form that is considered a pest under FIFRA); and
- biotechnical products (genetically engineered microbial pesticides, or GEMP). Each biotechnical product will undergo a risk assessment and risk/benefit analysis.

NOTE: As with other new pesticides, registration of a new food-use biochemical requires the establishment of a tolerance level or an exemption.

P-5 New Active Ingredients

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-6 Old Chemicals

OPP defines the following as "final decisions" for purposes of measuring performance in the registration program:

a) withdrawal by applicant;
b) denial or registration;
c) unconditional registration; and
d) conditional registration.

Old chemical applies to applications for registration of new products containing pesticide active ingredient chemicals and biologicals which have previously been registered. Old chemical "change" applies to applications in which there is significant change in formula or use pattern. "Me too" applications deal with chemicals and biologicals whose formulation and use patterns are identical or substantially similar to those previously registered.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-7 Amended Registrations

OPP defines the following as "final decisions" for purposes of measuring performance in the registration program:

a) withdrawal by applicant;
b) denial or registration;
c) unconditional registration; and
d) conditional registration.

Amended registrations include any change to an existing registration, except notifications or significant new uses.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-8 New Uses

OPP defines the following as "final decisions" for purposes of measuring performance in the registration program:

a) withdrawal by applicant;
b) denial or registration;
c) unconditional registration; and
d) conditional registration.

New uses includes any major change involving new uses of an old product.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-9 Emergency Exemptions

An exemption from the normal registration requirements of FIFRA which is granted by a federal or state agency if EPA determines that emergency conditions exist (e.g., a pest outbreak is identified and no effective pesticide is registered for the particular use).

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-10 Tolerance Petitions

An FFDCA tolerance petition decision applies to all requests for tolerance levels and exemptions from requirement of a tolerance for pesticide residues in or on raw agricultural commodities, processed foods and minor uses. EPA is required by law to process tolerance petitions in 180 days; however, OPP has set an administrative deadline of 240 days to better reflect increases in the complexity of submissions.

Quarter	FY 93 Targets
1	
2	
3	
4	
Total	

P-11 Ground Water

Headquarters:

- Publish the final Groundwater Strategy and support documents.

Regions (Cumulative Numbers):

a. Number of states developing generic plans (goal equals the number of states with cooperative enforcement agreements).

b. Number of states that include acceptable management plans that include all required components (goal equals 100% of states identified in #1 above).

c. Number of states that have identified sensitive/priority management areas, i.e., mixing/loading sites, abandoned wells, sandy soils, etc. (goal equals the number of states with cooperative agreements).

d. Number of states that are implementing (prescribing) Best Management Practices (BMPs) for sensitive/priority areas (goal equals the number of states that have identified priority areas).

e. Number of states that are training private and commercial applicators in groundwater prevention measures (goal equals the number of certification and training cooperative agreements). Alternatively, one could track the percentage of applicators trained per state (goal would be 100%).

f. Number of states that use/adopted state-developed or federal groundwater standards (goal equals the number of states with cooperative enforcement agreements).

Note: A breakout by Indian Tribe/Nation will be provided each quarter.

P-12 Endangered Species

Headquarters:

- Publish the final Endangered Species Strategy and support documents.

Regions (Cumulative Numbers):

a. Number of states that have accepted base funding for a state endangered species program (goal equals the number of enforcement cooperative agreements in the region).

b. Number of states that have included endangered species information in their private and commercial applicator classes (goal equals the number of certification and training cooperative agreements in the region).

c. Number of states that have an accepted "pilot" program(s) to protect endangered species (number will be negotiated based on need/jeopardy opinion within a state).

Note: A breakout by Indian Tribe/Nation will be provided each quarter.

P-13 Worker Protection

Headquarters:

- Publish the final Worker Protection Rule.

Regions (Cumulative Numbers):

a. Number of states that have accepted base funding for a worker protection program (goal equals the number of states with a cooperative enforcement agreement).

b. Number of states that have identified organizations to assist with outreach and education programs.

c. Number of states that have begun to implement the worker protection standards.

Note: A breakout by Indian Tribe/Nation will be provided each quarter.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Pesticides Programs

GOAL:

ENVIRONMENTAL INDICATOR: Feasibility assessments for establishing or refining environmental indicators are in progress. Consensus on final indicators will depend heavily on available resources. Possibilities for sharing resources with other programs such as EMAP for several potential indicators are currently being investigated. Following is a list of indicators that will be considered for implementation:

DEFINITION:

Ecological Indicators: Ecological Hazard Risk Index and Usage Patterns, Pesticide Poisoning and Incidents, Pesticide Residue Monitoring

Human Health Indicators: Food Safety - Dietary Residue levels (per AI per crop on selected commodities, Drinking Water (ground water) quality

Worker Protection - Number of Poisonings and Specific Health Effects, Pesticide Usage by Toxicity, Evaluation of Compliance Data as potential basis for indicators

Environmental Exposure - Disposable/Refillable Containers, Recycling of Pesticide Containers

Urban - Trends in Usage, Lawn Care (commercial and non-commercial), Indoor Exposure, Government Sponsored/Licensed Programs (e.g., fogging)

DATA SOURCE: The feasibility assessments have identified a variety of data sources for each indicator. Implementation of environmental indicators will take into consideration the type, quality, and cost of data available, as well as its compatibility with related data.

OFFICE OF TOXIC SUBSTANCES

FY 1993 MEASURES AND DEFINITIONS

FOR THE

STRATEGICALLY TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

OBJECTIVE: Stimulate pollution prevention by reviewing new chemicals and imposing controls as necessary prior to their entering into commerce.

ACTIVITY: New Chemical control activities - regulatory.

MEASURE:	Report the number of valid new chemical notices received: PMN's, Biotech-PMN notices, Low Volume Exemptions, Polymer Exemptions, Test Market Exemptions.	STARS CODE: T-1a TARGETED: REPORTED ONLY: Quarterly SUNSET: Annually
MEASURE:	Report th number of PMNs received with Pollution Prevention Practices/Activities reported.	STARS CODE: T-1b TARGETED: REPORTED ONLY: Quarterly SUNSET: Annually
MEASURE:	Report the number of new chemical notices targeted for regulatory review/action.	STARS CODE: T-1c TARGETED: REPORTED ONLY: Quarterly SUNSET: Annually
MEASURE:	Report the number of PMN cases resulting in final action: # Dropped from further review; # §5(e) orders issued; # §5(e) orders modified/revoked; # §5(e) SNURs promulgated; # non-§5(e) SNURS promulgated; # notices withdrawn in the face of regulatory action.	STARS CODE: T-1d TARGETED: REPORTED ONLY: Quarterly SUNSET: Annually
MEASURE:	Receipt of Test Data as a result of triggered §5(e) consent order and "Ban pending upfront testing" decisions.	STARS CODE: T-1e TARGETED: REPORTED ONLY: Quarterly SUNSET: Annually

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

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ts.93 OBJECTIVE: Initiate and implement actions to reduce the risks from hazardous existing chemicals. Initiate actions to review significant uses of chemicals, and, where appropriate, take regulatory or non-regulatory actions to control exposure to existing chemicals which may pose an unreasonable risk from their use.

ACTIVITY: Existing Chemicals control activities.

MEASURE: Report on the number of cases where an RM1 disposition is held, and the disposition of each case.

STARS CODE: T-2a
TARGETED:
REPORTED ONLY: Quarterly
SUNSET: Annually

MEASURE: Report on the number of cases entering the queue for RM2. Report on the number of cases completing RM2 and disposition of each case. Case dispositions may involve voluntary, non-regulatory actions or regulatory control actions taken under TSCA sections 4, 5, 6, and 9.

STARS CODE: T-2b
TARGETED:
REPORTED ONLY: Quarterly
SUNSET: Annually

Note: The term "case" refers to either a single chemical or a chemical cluster. For cases that are clusters, the approximate number of chemicals addressed in the cluster should be provided. These numbers will always be approximate, as the makeup of clusters is fluid; chemicals may be added or deleted at any time.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

OBJECTIVE: To significantly expand the base of toxicity data on chemicals to support risk reduction decisions by EPA and others.

ACTIVITY: Chemical Testing program

MEASURE:	Report on the number of tests being conducted, and the number of chemicals undergoing testing, as a result of TSCA §4 actions taken this fiscal year.	STARS CODE: T-3a TARGETED: REPORTED ONLY: Quarter 4 SUNSET: Annually
MEASURE:	Report on the number of tests being conducted, and the number of chemicals undergoing testing, as a result of EPA involvement in non-regulatory actions. The chemicals will undergo review to determine what data gaps exist, and additional testing will then begin. This includes the Organization for Economic Cooperation and Development's (OECD's) Screening Information Data Set testing program.	STARS CODE: T-3b TARGETED: REPORTED ONLY: Quarter 4 SUNSET: Annually
MEAUSURE:	Report on the number of chemicals added to the Master Testing List. Report on the number of chemicals deleted from the Master Testing List.	STARS CODE: T-3c TARGETED: REPORTED ONLY: Quarter 4 SUNSET: Annually
MEASURE:	Report on the number of chemicals for which final testing reviews have been completed; the number of testing sets reviewed; and the outcome of each review.	STARS CODE: T-3d TARGETED: REPORTED ONLY: Quarter 4 SUNSET: Annually

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

OBJECTIVE: Promote the implementation of State accreditation programs pursuant to AHERA Section 206(c)(2) and the Revised Model Accreditation Plan.

ACTIVITY: Asbestos State Accreditation Program.

MEASURE: Specify the number of EPA-approved State programs in the Region. Include the number of States with partial EPA approval, and the number of States with full EPA approval.

STARS CODE: T-4
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

OBJECTIVE: Assess State enhancement progress and activities.

ACTIVITY: Overall State Enhancement.

MEASURE: Provide a three-part narrative report summarizing implementation activities for asbestos accreditation efforts, asbestos programs in general, PCB activites, and other efforts that involve decentralization of toxics program and enforcement activities (i.e., Pb).

STARS CODE: T-5
TARGETED:
REPORTED ONLY: 2nd quarter
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

OBJECTIVE: Assess Regional activities in implementing the 33/50 project and the EPCRA Toxic Release Inventory Program.

ACTIVITY: 33/50 and TRI activities.

MEASURE: Provide a narrative report on Regional 33/50 and TRI activities, emphasizing outreach efforts.

STARS CODE: T-6
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.

OBJECTIVE: Highlight Regional outreach efforts and provide a forum to report new innovative Regional projects.

ACTIVITY: New innovative Regional activities.

MEASURE: Provide a narrative report on new innovative Regional initiatives, with a focus on cross-program or program-specific outreach activities.

STARS CODE: T-7
TARGETED:
REPORTED ONLY: Quarterly
SUNSET:

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

T-1 NEW CHEMICAL CONTROL ACTIVITIES - REGULATORY

Chemical companies are required to notify EPA prior to the manufacture of any new chemical. This premanufacture notification (PMN) provides EPA with an opportunity to review the chemical and impose whatever controls or restrictions are necessary to protect human health and the environment, prior to the chemical entering into commerce. Consequently, the PMN review process provides the Agency's major opportunity for pollution prevention with respect to toxic chemicals in commerce.

This measure reports on the number of new chemical notices received which includes: PMNs; Biotech - PMN notices; Low Volume Exemption applications; Polymer Exemptions; and Test Market Exemptions. It provides a report on the number of PMNs received with the pollution prevention form completed. This measure also reports on the number of notices that are targeted for regulatory review or action and on the number and type of control actions taken on new chemicals which pose a threat to public health or the environment. Risk estimates associated with PMN chemicals are based on intended uses specified in the PMNs. However, once a chemical is in commerce it becomes an existing chemical and other uses could be adopted that would be unaddressed by the PMN review. To prevent this occurrence EPA can issue a significant new use rule (SNUR) to require a PMN submission for any uses not identified in the original PMN submission. As a second pollution prevention tool for new chemicals, OTS intends to issue a SNUR following each TSCA 5(e) order. Finally, OTS will report on the Test Data received as a result of 5(e) consent orders and "banned pending upfront testing" decisions.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances, (HQ)

T-2 EXISTING CHEMICAL CONTROL ACTIVITIES

The Existing Chemicals Program in EPA's Office of Toxic Substances (OTS) screens, tests, assesses, and manages risks posed by chemicals currently in production. Risk management encompasses any actions, regulatory or nonregulatory, to reduce or eliminate the likelihood of harm to human health or the environment. Prior to having a full characterization of risk on which to base regulatory actions, a number of actions can be taken which encourage risk reduction on the part of manufacturers and users of toxic chemicals. Examples include letters to manufacturers or users alerting them of the risk and listing of chemicals on the Master Testing List. These types of non-regulatory actions can be particularly effective in encouraging voluntary pollution prevention.

In this measure OTS will provide reports on regulatory and non-regulatory control actions taken on existing chemicals. The actual reporting unit will be the number of cases affected by these actions. Proposed as well as final regulatory actions are being reported because a significant amount of risk management action can occur as a result of proposal to the point that no promulgation is necessary or justified. Rules emphasizing ecorisk will be noted as they occur.

Measure T-2(a) will report on the RM1 dispositions of cases as follows: 1) number of chemicals dropped due to no concern; 2) number of chemicals (dropped by TSCA but) referred to another program or Agency for consideration/action; 3) number of chemicals sent for testing or testing follow-up; 4) number of chemicals forwarded for risk management or risk management follow-up.

Measure T-2(b) will report on the number of cases entering the queue for RM2 Decision. We will report on the number of cases completing RM2, and the disposition of each case. Potential outcomes include: 1) initiation of a public awareness campaign; 2) calls for voluntary action by industry; 3) referral of the case to another EPA program office, regional office, or other Federal agency for action; 4) stepping up enforcement of existing regulations; 5) development of new regulations; 6) dropping case from further consideration if warranted.

T-2 EXISTING CHEMICAL CONTROL ACTIVITIES (cont.)

Description of regulatory control actions which may be taken under TSCA sections 4(f), 5(a)(2), 6, and 9:

TSCA §4(f) - Upon receipt of any test data required to be submitted under TSCA or any other information available to the Administrator, which indicates that there may be a reasonable basis to conclude that a chemical substance or mixture presents or will present a significant risk of serious or widespread harm to human beings from cancer, gene mutations, or birth defects, the Administrator shall, within the 180-day period beginning on the date of the receipt of such information/data, initiate appropriate action under section 5, 6, or 7 to prevent or reduce such risk.

TSCA §5(a)(2) provides a mechanism to define significant new uses for an existing chemical that would be subject to §5 notification requirements when specific criteria are met.

TSCA §6 provides EPA with the authority to control a chemical as a hazardous substance if the Agency finds that there is a reasonable basis for concluding that the chemical presents or will present an unreasonable risk.

TSCA §9 authorizes EPA to refer regulation of chemical risks to other agencies.

NOTE: A "case" refers to either a single chemical or a cluster of chemicals. Review of chemical clusters provides an opportunity, for example, to examine the risks associated with chemicals used in particular industry sectors or processes and define opportunities for pollution prevention (such as process changes or chemical substitution) to minimize risk associated with activities using these chemicals. This information can then be used as a basis for hazard communication, technology transfer, and possible regulatory actions.

In reporting on cases which are clusters, OTS will provide the approximate number of chemicals addressed in the cluster. These numbers will be approximate, as the makeup of chemical use clusters is fluid, with chemicals being added or deleted at any time during the review process.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

T-3 CHEMICAL TESTING, MASTER TESTING LIST ACTIVITIES

The Master Testing List will be EPA's mechanism for identifying and prioritizing chemicals in need of testing. Chemical testing may be required as a result of TSCA Section 4 actions, or prompted by EPA involvement in non-regulatory actions. Test results will provide EPA with information used to determine whether risk management actions are necessary for specific chemicals.

This measure reports on: (1) the number of chemical tests being conducted as a result of TSCA §4 actions, (2) the number of chemicals undergoing testing as a result of TSCA §4 actions, (3) the number of chemicals undergoing testing as a result of non-regulatory activities, (4) the number of chemicals newly entered on the Master Testing List and, (5) the number of chemicals removed from the Master Testing List through testing under TSCA §4 or other means, (6) the number of chemicals for which a completed set of testing information is available, (7) the number of sets reviewed, and the outcome of the reviews.

NOTE: The full range of OTS' testing activities includes not only the information gathered in this measure, but also that testing information compiled for measure T-1 regarding the New Chemicals program activities.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

T-4 ASBESTOS STATE ACCREDITATION

Specify the number of EPA-approved state programs in the Region. Each quarterly report should include: 1) the number of states within the Region that have full EPA approval of all five accredited disciplines; and 2) the number of states within the Region that have only partial EPA approval of their state accreditation program (for less than all five disciplines). This information should be separate for schools and the extension to public and commercial buildings.

T-5 STATE ENHANCEMENTS

In general, highlight the successes and problems for each Regional program in decentralizing Toxics program and enforcement activities. Highlight tools or processes that have facilitated success in certain programs or specific states (i.e., the OCM grant program activities, enabling legislation, up-front Regional or state involvement in program planning). Note obstacles that may include regional resource or state budget impediments, political/legislative barriers, or poor coordination in planning processes.

Asbestos Accreditation: Highlight activities that have successfully encouraged full or partially-approved state accreditation programs, including TSCA grant activities. Explain on a state-by-state basis what the impediments of state accreditation in each of the disciplines has been.

Asbestos: Address the following categories of activities: a) state plan for assumption of additional responsibilities, b) planning/drafting, promoting, and/or implementing state enabling enforcement legislation and/or associated regulations; c) state mechanism for returning penalties to State programs; d) strategies/ERPs for implementing administrative or criminal enforcement program in States that are developing enforcement activities; (e) planning/development and/or implementation of State coordination asbestos inspection programs; (f) development and implementation of case development program; g) other innovative activities, including innovative compliance activities such as new approaches to inspection targeting, use of databases, or settlement conditions; and h) asbestos ban and phase-out activities.

Highlight multi-media inspections (i.e., coordinated inspections with NESHAPS). If your States are not involved with the grant program, attempt to evaluate why. Highlight successes and failures of asbestos decentralization efforts, including AHERA, programmatic barriers, and others.

PCB: Provide a list of state PCB activities, which may include innovative compliance/enforcement activities (e.g., new approaches to inspection targeting, use of databases, multi-media cases), clean-ups, and other initiatives.

Provide any agreements, other than OCM and OTS cooperative agreements, that the Regions may have with your States, including coordinated inspections.

Better define your regulatory assessment, to include what the definitions in State regulation mean in practice, and determine if it is a similar level of protection than that provided under federal standards, highlight trends and key issues.

Attempt to evaluate facilities' likelihood of participating in the FY93 permit-by-rule program; include outreach activities, if any.

If your States are not involved with OCM and/or OTS grant programs, attempt to evaluate why or why not.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

T-6 33/50 AND TRI ACTIVITIES

Provide a discussion of each criterion where activity occurred during the current quarter. These are suggested criteria only, and not all criteria must be reported on.

33/50: Establish network of State 33/50 Coordinators.

Track and highlight outreach activities to States, including brief summaries of State concerns, similar State programs, State award programs, or any other State activities that have 33/50 implications that you are made aware of through outreach efforts. Also include general coordination activities (i.e., notification to all States of which parent companies are participating, or State coordination if a company in their State is being considered for an EPA award for performance on commitments).

Track and highlight outreach activities to industry and industry trade groups, including encouraging companies not participating to take part in the program, follow-up activities to the companies that have chosen to participate, and coordinated technical assistance activities.

Highlight any cross-program activity (i.e., coordinated activities with pollution prevention, air, water offices).

Target facilities based on risk screening, state priorities, and the leadership position of the company. Target in coordination with Headquarters.

Include outreach efforts to local communities and special interest groups that may help leverage participation and reduction of emissions, even if in the planning stage.

TRI: Highlight outreach activities to industry on the new pollution prevention reporting requirements.

Highlight outreach activities to States and briefly summarize State concerns on the new pollution prevention reporting requirements.

Include activities that foster awareness and input from States, the general public, special interest groups, and industry on SIC code expansion.

Include activities that foster awareness and input from States, the general public, special interest groups, and industry on the TRI chemical list expansion.

Highlight data use activities in your Region (program activity), in your States, or other special interest groups.

Highlight progress and problems related to efforts of State grantees to implement their grant projects.

Include innovative targeting and multi-media inspections.

<u>Combined Outreach Efforts:</u> Highlight combined outreach efforts.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

T-7 REGIONAL OUTREACH ACTIVITIES

Any Regional efforts that inform industry, State or local government, special interest groups, or the general public about the Toxics program, including innovative technical assistance activities. Examples include (but are not limited to) seminars, meetings, publications, and training.

Include Regional initiatives that include innovative mechanisms to involve States and special interest groups in program planning or initiative development i.e., involvement in pollution prevention initiatives n the OTS' Existing Chemical Program, letters of concern, etc.)

Highlight innovative targeting or multi-media inspection activity and innovative EBE settlements, if any.

Emphasize cooperative pollution prevention initiatives with States or special interest groups.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: **TO REPORT ON THE NET INCREASE OR DECREASE OF PCB'S WHICH CONTRIBUTE TO UNREASONABLE RISK.**

ENVIRONMENTAL INDICATOR: PCB Indicator

DEFINITION: This indicator compares the amount of PCBs retired from service (and placed in storage) with the amount of PCBs properly disposed of. These numbers can then be used to calculate the net increase/decrease of PCBs contributing to unreasonable risk. OTS will report annually.

DATA SOURCE: Section 761.180(b)(3) of the PCB Notification and Manifesting Rule requires the owner or operator of a PCB disposal or commercial storage facility to submit an annual report to the Regional Administrator which summarizes information on the types and quantities of PCB waste disposed of or placed into storage for disposal during the calendar year. This report is to be submitted each year (by July 15 for the previous calendar year) until the facility is closed.

From these reports, EPA will be able to determine how well PCBs are being managed on a nationwide basis, by analyzing and reporting data on the quantities of PCBs slated for disposal and the actual amounts disposed of during each calendar year.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: **TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

ENVIRONMENTAL INDICATOR: Toxic Chemical Release Index

DEFINITION: This indicator is a national figure based on the aggregated annual release of selected TRI chemicals. OTS will release this figure annually.

DATA SOURCE: Facilities covered by the TRI reporting rule submit annual reports to EPA on the emissions of TRI chemicals. By choosing a select set of "indicator chemicals" OTS will develop an empirically-driven indicator that will reflect chemical emission trends, much like the Dow-Jones Average reflects the behavior of the stock market. The metric will be the aggregate measure of the emission of the indicator chemicals calculated on an annual basis. This indicator can capture emissions across media, as well as reductions voluntarily achieved by industry and those that result from government action.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: **TO REPORT ON THE NET INCREASE OR DECREASE OF PCB'S WHICH CONTRIBUTE TO UNREASONABLE RISK.**

ENVIRONMENTAL INDICATOR: PCB Indicator

DEFINITION: This indicator compares the amount of PCBs retired from service (and placed in storage) with the amount of PCBs properly disposed of. These numbers can then be used to calculate the net increase/decrease of PCBs contributing to unreasonable risk. OTS will report annually.

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From these reports, EPA will be able to determine how well PCBs are being managed on a nationwide basis, by analyzing and reporting data on the quantities of PCBs slated for disposal and the actual amounts disposed of during each calendar year.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Toxic Substances

GOAL: **TO REDUCE RISK FROM NEW AND EXISTING CHEMICALS AND TO PROMOTE POLLUTION PREVENTION.**

ENVIRONMENTAL INDICATOR: Toxic Chemical Release Index

DEFINITION: This indicator is a national figure based on the aggregated annual release of selected TRI chemicals. OTS will release this figure annually.

DATA SOURCE: Facilities covered by the TRI reporting rule submit annual reports to EPA on the emissions of TRI chemicals. By choosing a select set of "indicator chemicals" OTS will develop an empirically-driven indicator that will reflect chemical emission trends, much like the Dow-Jones Average reflects the behavior of the stock market. The metric will be the aggregate measure of the emission of the indicator chemicals calculated on an annual basis. This indicator can capture emissions across media, as well as reductions voluntarily achieved by industry and those that result from government action.

OFFICE OF COMPLIANCE MONITORING

FY 1993 MEASURES AND DEFINITIONS

FOR THE

STRATEGICALLY TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Pesticide, Toxic Substance and EPCRA Section 313 Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Promote creative approaches to environmental protection through the use of pollution prevention settlement terms.

ACTIVITY: Cases settled with Pollution Prevention provisions.

STARS CODE: P/E - 1; T/E - 1; E/E - 1.

MEASURE: Specify, on a cumulative basis, the following information for each settled (closed) case containing one or more settlement term that is an Environmentally Beneficial Expenditure (EBE):

- Total number of cases closed with one or more EBE
- Average cost incurred by the company to implement **all** of the EBE settlement terms in a settlement agreement*
- Average penalty reduction, per closed case, **directly associated** with the settlement term(s) identified as EBEs*
- Total number of settlement terms identified as EBEs
- Total number of EBE settlement terms negotiated by Pollution Prevention category**

* The FTTS/NCDB systems will calculate the data.

** Pollution Prevention categories are Environmental Audits, Environmental Studies, Outreach, Source Reduction, Toxics Disposal, Training, Waste Minimization, and Other. (Waste Minimization and Source reduction can be achieved via either process modification, technological improvement or recycling.) Definitions will be provided.

REPORTING METHOD: Quarterly. No targets.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Pesticide, Toxic Substance and EPCRA Section 313 Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Assure timely processing of the most egregious violations of FIFRA, TSCA and EPCRA 313

ACTIVITY: Significant Noncompliance (SNC)

STARS CODE: P/E - 2; T/E - 2; E/E - 2.

MEASURE: For all outstanding SNCs (those that were not closed as of 10/01/91) and all SNCs detected during the current FY, specify the cumulative number of:

- o Violations detected
- o Cases issued within 180-days of the inspection date*
- o Cases issued beyond 180-days of the inspection date*
- o Cases closed

* For FIFRA cases from referrals, the 180-day calculation will be performed based on the date the referral was received in the region.

Note: SNC's identified at Federal Facilities are included in these data categories. A separate breakout of the federal facilities data will generated on the FTTS and NCDB STARS charts

REPORTING METHOD: Quarterly. No targets.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Pesticide Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Establish and maintain a strong compliance/enforcement presence in the regulated community.

ACTIVITY: Inspections for Significant Activities

STARS CODE: P/E - 3.

MEASURE: Specify the cumulative number of State inspections, including inspections at Federal Facilities, in the following categories identified on EPA form 5700-33H and the number of EPA inspections (Regions 7 and 8 only) in comparable categories:

- Agricultural use
- Agricultural follow-up
- Nonagricultural use
- Nonagricultural follow-up
- Restricted use pesticide dealers
- Producer Establishments
- Exports

REPORTING METHOD: Quarterly. Targets are required for total EPA & State inspections.

Note: All Federal data will be reported in real time. State data will be reported one quarter behind (i.e. First quarter state accomplishments are included in the second quarter STARS report).

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Pesticide Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Establish and maintain a high level of compliance in the regulated community.

ACTIVITY: State Enforcement Actions and Compliance Rates

STARS CODE: P/E - 4.

MEASURE: Specify the cumulative number of State formal enforcement actions and/or proceedings for the same inspectional categories as those in measure P/E - 3. The five actions to be included in this number include:

- Civil Complaints Issued
- Criminal Actions Referred
- License/Certificate Suspension
- License/Certificate Revocation
- License/Certificate Conditioning or Modification

In addition, separately specify the cumulative number of Warning Letters Issued and Stop-Sale Orders Issued resulting from the group of inspectional categories in measure P/E - 3. These should be two separate numbers.

REPORTING METHOD: Quarterly.
Note: State data are reported one quarter behind (i.e. First quarter state accomplishments are included in the second quarter STARS report).

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Pesticide Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Respond to noncompliance and promote future compliance through issuance of appropriate enforcement actions.

ACTIVITY: EPA Enforcement Actions Under FIFRA

STARS CODE: P/E - 5.

MEASURE: For the enforcement actions listed, specify on a cumulative basis, the total number of:

- Civil Complaints issued
- Warning letters issued
- SSUROs issued
- Recalls issued
- Import Detentions issued
- Civil Referrals issued
- Criminal Referrals issued

REPORTING METHOD: Quarterly. No targets.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Toxic Substances Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Establish and maintain a strong compliance/enforcement presence in the regulated community.

ACTIVITY: Inspections Conducted

STARS CODE: T/E - 3.

MEASURE: Separately specify, on a cumulative basis, the number of TSCA inspections conducted by EPA and State inspectors.

Note: Inspections conducted at federal facilities are included in the above data. A separate breakout will be provided on the FTTS and NCDB STARS charts. The breakout of inspections by TSCA program (originally proposed for inclusion in STARS) will instead be provided as non-STARS management information.

REPORTING METHOD: Quarterly. Targets are required for the TSCA Total EPA and State inspections.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: Toxic Substances Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Respond to noncompliance and promote future compliance through issuance of appropriate enforcement actions.

ACTIVITY: EPA Enforcement Actions Under TSCA

STARS CODE: T/E - 4.

MEASURE: For the enforcement actions listed below, specify on a cumulative basis, the number of:

- Administrative Complaints issued
- Notices of Noncompliance issued
- Civil Referrals
- Criminal Referrals

Enforcement actions taken against federal facilities are included in the above data. A separate breakout of this information will be provided in the FTTS and NCDB STARS charts.

REPORTING METHOD: Quarterly. No targets.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: EPCRA Section 313 Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Establish and maintain a strong compliance/enforcement presence in the regulated community.

ACTIVITY: Inspections Conducted.

STARS CODE: E/E - 3.

MEASURE: Specify, on a cumulative basis, the number of EPCRA inspections conducted.

REPORTING METHOD: Quarterly. Targets are required.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1993

Program Area: EPCRA Section 313 Enforcement

GOAL: Achieve and maintain an effective compliance/enforcement program.

OBJECTIVE: Respond to noncompliance and promote future compliance through issuance of appropriate enforcement actions

ACTIVITY: EPA Enforcement Actions Under EPCRA

STARS CODE: E/E - 4.

MEASURE: For the enforcement actions listed below, specify on a cumulative basis, the number of:

- Administrative Complaints issued
- Civil Referrals
- Criminal Referrals
- Notices of Noncompliance issued from Headquarters

REPORTING METHOD: Quarterly. No targets.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Compliance Monitoring

PESTICIDES ENFORCEMENT DEFINITIONS

Environmentally Beneficial Expenditure (EBE) (P/E-1) - is any expenditure that a violator incurs beyond the costs of returning to compliance that the participants in the case settlement expect will provide an immediate or future environmental benefit.
Note: The new STARS chart will count the number of cases closed during the reporting period in which one or more settlement terms are EBEs.

"Significant Noncompliance" (SNC) (P/E-2) - is any Federal violation that has an associated Gravity Level equal to either "1" or "2", based on Appendix A of the FIFRA Enforcement Response Policy. Note: The FIFRA ERP sets the gravity levels based on "an average set of circumstances which considers the actual or potential harm to human health and/or the environment which could result from the violation, or the importance of the requirement to achieving the goals of the statute."

"SNCs Detected" (P/E-2) - are Federal violations that meet the SNC criteria (see above). The case review must be completed in order to make the SNC determination.

"SNCs Issued" (P/E-2) - An SNC detected with a case issued.
All cases are issued in either 0 - 180 days from the inspection/referral date or 181+ days from the inspection/referral date.

"SNCs Closed" (P/E-2) - All SNCs issued that have been either closed or withdrawn.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Compliance Monitoring

TOXIC SUBSTANCES ENFORCEMENT DEFINITIONS

Environmentally Beneficial Expenditure (EBE) (T/E-1) - is any expenditure that the violator incurs beyond the costs of returning to Compliance that the participants in the case settlement expect will provide an immediate or future environmental benefit.
Note: The new STARS chart will count the number of cases closed during the reporting period in which one or more settlement terms are EBEs.

"Significant Noncompliance" (SNC) (T/E-2) - is a violation under TSCA for which the level of enforcement action is, at minimum, an administrative complaint in accordance with the appropriate Enforcement Response Policy (ERP), and for which the penalty is, at minimum, $25,000.

The SNC determination is made prior to calculating penalty adjustment factors such as voluntary disclosure, culpability, etc. In matters involving multiple violations, the case will be considered SNC if the total penalty is $25,000 or more.

Note: For Federal facilities, SNC is a facility where the violation(s), as defined above, would normally result in a formal enforcement action. These actions, however, are handled in accordance with the EPA Federal Facility Compliance Strategy.
An administrative civil complaint is issued for SNC violations where a violation: presents a real (but not an extreme or imminent) risk to human health or environment; is likely to be an isolated occurrence; and is apparently the result of ordinary negligence, inadvertence, or mistake. In those cases involving extreme or imminent risk to human health or the environment, the Regions may initiate judicial action (e.g., injunctions, seizures, civil and criminal actions). In these instances, the case is referred to OE and monitored using the OE Docket System.

"SNCs Detected" (T/E-2) - are Federal violations that meet the SNC criteria (see above). The case review must be completed in order to make the SNC determination.

TOXIC SUBSTANCES ENFORCEMENT DEFINITIONS (cont.)

"SNCs Issued" (T/E-2) - An SNC detected with a case issued.
All cases are issued in either 0 - 180 days from the inspection date or 181+ days from the inspection date.

"SNCs Closed" (T/E-2) - All SNCs issued that have been either closed or withdrawn.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
FY 1993
Program Area: Office of Compliance Monitoring

EMERGENCY PLANNING/COMMUNITY RIGHT-TO-KNOW (EPCRA) ENFORCEMENT DEFINITIONS

Environmentally Beneficial Expenditure (EBE) (E/E-1) - is any expenditure that the violator incurs beyond the costs of returning to compliance that the participants in the case settlement expect will provide an immediate or future environmental benefit.
Note: The new STARS chart will count the number of cases closed during the reporting period in which one or more settlement terms are EBEs.

"Significant Noncompliance" (SNC) (E/E-2) - EPCRA Significant Noncompliance (SNC) is a violation of the EPCRA regulations for non-reporting/failure to report a chemical, or falsified report, for which the level of enforcement action is, at minimum, an administrative complaint, in accordance with the EPCRA Enforcement Response Policy (ERP).

"SNCs Detected" (E/E-2) - are Federal violations that meet the SNC criteria (see above). The case review must be completed in order to make the SNC determination.

"SNCs Issued" (E/E-2) - An SNC detected with a case issued.
All cases are issued in either 0 - 180 days from the inspection date or 181+ days from the inspection date.

"SNCs Closed" (E/E-2) - All SNCs issued that have been either closed or withdrawn.

OFFICE OF ENFORCEMENT
FY 1993
STARS MEASURES DEFINITIONS

E/C-1 Judicial Consent Decree Tracking and Follow-up

For Agency consent decree tracking and follow-up procedures, please refer to the OE Directive on Consent Decree Tracking and Follow-up (January 11, 1990, memorandum from James M. Strock)

Regions will report on the compliance status of EPA consent decrees each quarter. This includes both the name and number of: (a.) active consent decrees; (b.) active consent decrees in compliance; (c.) active consent decrees in violation where formal enforcement action has commenced; (d.) active consent decrees in violation where formal enforcement action is planned but has not yet commenced; and (e.) active consent decrees in violation with no action planned or deemed necessary at this time (e.g., facility is expected to return to compliance without enforcement action).

For the purposes of reporting on consent decree tracking and follow-up, the following definitions apply:

1. Reportable Violation - A decree will be reported as in violation if any term or condition of the decree is not complied with as of the end of the quarter.

2. Appropriate Enforcement Action - Formal enforcement actions include motions for contempt, motions to enforce the order, motions for specific performance, collection of penalties, decree modifications and contractor listing.

3. Final Compliance Determinations - Cases where the final compliance date in the decree has been reached and the source is not meeting the final compliance limits or conditions of the decree, the decree shall be reported in category (c), (d) or (e) of measure E/C-1, depending on the circumstances. If the Region has determined that the source will not be able to meet the final terms of the decree, and enforcement action is planned, the Region will continue to report the decree in category (d) until one of the acceptable enforcement actions previously defined has been commenced. At that time, the decree will be reported as violation with enforcement action commenced and shall remain in that category until it is returned to compliance with the decree. If the Region has determined that the final terms of the decree will be met, the Region will report the violation in category (e) in violation with no action planned at this time. When the final terms of the decree are met, the decree will be reported in the compliance category.

4. Consent Decree Tracking for Multiple Facility Consent Decrees - Consent decrees covering more than one facility will be reported as a single consent decree. Actions taken to address violations at more than one facility covered by the same decree will be reported and counted individually for internal Agency accountability and resources distribution purposes. Actions against multiple facilities covered by the same decree will be accounted for in the significant noncomplier lists and the enforcement actions tracked in STARS.

E/C-2 Monitor judicial enforcement activity levels - The "new referrals to HQ from Regions" category reports the number of civil judicial cases referred to HQ from the Regions during the fiscal year, irrespective of whether they have also been referred to DOJ during the year. Over the last few years, the number of referrals to HQ has decreased as most cases are referred directly to DOJ. The number of (a) referrals to HQ and (b) the number of direct referrals to DOJ added together equal the total number of newly initiated Regional referrals during the year, and show what type of referrals (direct and indirect) were made. These two outputs are drawn from the DOCKET by selecting Regional cases using the "date to DOJ" field and the RFIN (referral indicator) field which is coded either RD (referral [direct] to DOJ), RH (referral to HQ).

Also reported in this measure are the number of PRN-type cases which were newly initiated (mini-lit report to DOJ) during the fiscal year, but which were not later also referred to DOJ, (i.e., no full litigation package or signed consent decree was referred subsequently during the year). PRNs which were initiated during the year and later also referred would be counted in the "direct referrals to DOJ" category. In effect, PRN cases are counted as PRNs until the Region refers a full litigation package or a signed consent decree; at that point they are counted as direct referrals. (If the Region completes a full litigation report in the place of a mini-lit report, but for the purposes of handling the case as a PRN, it is counted as a PRN.)

The last category of referral activity reported in this measure is the number of referrals made to DOJ to enforce against consent decree violations. These cases are not counted as new civil referrals (in DOCKET they are amendments to previous (existing) cases) but are credited as consent decree enforcement (actions) cases and reported separately from new civil referrals.

(Note that the above categories are mutually exclusive and together represent the new Regional civil judicial activity during the year.)

E/C-4 Follow-though on active case docket. - Dynamic Universe - This measure reports the number (and status) of new civil judicial cases referred to DOJ during the fiscal year (i.e.,for FY 1993 from 10/1/92 to 9/30/93). This referral total includes: (a) all direct referrals to DOJ during the year; (b) Regional referrals to HQ which were referred to DOJ during the year, irrespective of what year the case was originally referred to HQ; and (c) all PRNs re-referred to DOJ during the year irrespective of what year they were initiated. This often means that cases referred by the Region to HQ late in one fiscal year are credited as new civil referrals to DOJ in the following year when the EPA referral to DOJ occurs. The number of new referrals to DOJ reported in this measure is used as the official Agency count of referrals to DOJ since it, in fact, measures the actual number of referrals to DOJ that occur during the year.

Starting in FY91, the method of counting all civil referral categories was adjusted to provide appropriate referral credit for both multi-media and multi-facility cases. In these cases, violations under different programs/Statutes are combined in multi-media referrals so that a holistic enforcement response can be made by EPA. Since these violations are discrete problems which were historically generally enforced separately, each discrete enforceable separate program component counts as a civil referral credit. Similarly, cases which combine actions against separate facilities in a unified referral package are given referral credit for each facility with a discrete enforceable violation.

E/C-8 Multi-Media Enforcement

Background - Multi-media referrals are those civil judicial cases where: (a) more than one statute is cited in the complaint, and (b) the different citations pertain to discrete environmental violations. Examples of "discrete" environmental violations are: the same facility has smokestack emissions in violation of applicable SIP limits, and a hazardous waste storage area with leaking drums, and an recent discharge into a river for which it holds no NPDES permit. For the purposes of this report CWA/NPDES and CWA/404 will be considered different statutes.

Specific Definitions for Multi-Media Enforcement Measures:

1. (E/C-8 (1.a. & 1.c.)) A consolidated inspection occurs when a single inspection covers two or more programs. A consolidated inspection might be conducted by one fully trained inspector. Single program inspections using a multi-media checklist should not be credited.
2. (E/C-8 (1.b. & 1.d.)) Report, for each program, the number of that program's inspections which were completed as part of one of the consolidated multi-media inspections counted in measure 1a.
3. (E/C-8 (2.a. & 2.c.)) To count as a "coordinated" inspection or action, no more than three months may have elapsed between inspection by one program and subsequent inspection by another program. The coordinated inspection must be a result of prior collaboration and planning between programs.
4. (E/C-8 (2.b. & 2.d.)) Provide, for each program, the number of that program's inspections which were completed as part of one of the coordinated multi-media inspections counted in measure 2a.
5. (E/C-8 (4.a. & 4.b.)) A consolidated referral is a referral in which at least two discrete environmental problems, from different programs, are combined into one referral package or an additional violation (from a different program) is added as an amendment to an existing judicial referral or complaint. A coordinated referral is a separate referral package related to an existing referral or complaint for which the consent decree negotiation/resolutions are to jointly resolved but for which the referral or complaint have not been combined.
6. (E/C-8 (4.a. & 4.b.)) Civil judicial referral counts will be reported by OE using the Agency civil DOCKET and OE reporting method. Referral credit will be given for each program which has a discrete environmental violation included in the civil judicial multi-media case.
7. (E/C-8 (5.a. & 5.b.)) The type of administrative actions to be credited are actions which meet the STARS criteria of the program for which credit is included, generally administrative orders. (For example, warning letters and NOVs are not usually counted as administrative actions in STARS). Federal facility compliance agreements are creditable actions.
8. (E/C-8 (4,5, and 6)) Enforcement actions (civil or administrative) brought under more than one statutory authority, but which address an environmental problem in only one program are not to be included in the count of multi-media actions.
9. (E/C-8 (7)) Includes single-media settlements with multi-media Supplemental Environmental Projects, multi-media pollution prevention projects, and/or settlement provision addressing an environmental problem under a different program that was not part of the original case referral.

E/C-9 Criminal Enforcement

1. Open Investigations - The agent determines that evidence may exist that shows the violation of an environmental statute or regulation. A preliminary investigation results in the opening of a case. A project number is requested from OCI and all investigatory activities are charged to that number. An OCI docket number is assigned and a case form is submitted for entering the investigation in the EPA Criminal Docket. Subsequent activities are charged against the project number and described in the EPA Criminal Docket.

2. Investigations Closed Prior to Referral to EPA-OCE - Investigation has shown: that the allegations were unfounded; the case should be referred for administrative civil action, the case should be referred to another agency or law enforcement office; or there is lack of prosecutorial merit. Includes cases in which the investigation is suspended and the information in the closed investigations retained for intelligence purposes.

E/C-10 Criminal Enforcement - Follow-Through on Active Case Docket

1. Fixed Universe - All criminal cases at DOJ/USA or filed in court at the beginning of FY1993 are included in fixed universe. Cases do not enter or exit the fixed universe after October 1, 1992. The purpose is to measure the federal government's progress in moving cases through DOJ and the court system to conclusion (i.e., closed following prosecution and closed without prosecution) by taking a snapshot of the fixed universe at the beginning of year and at the end of each quarter.

2. Dynamic Universe - All cases referred the DOJ after the beginning of the fiscal year are included in the dynamic universe. The measure reports at the end of each quarter the cumulative number of new cases referred to DOJ (i.e., the dynamic universe to date) and the status of these cases in the DOJ/judicial process.

FEDERAL FACILITIES ENFORCEMENT DEFINITIONS

MEASURE: FFE - 1

Executive Order 12088 requires each agency to submit A-106 pollution abatement plans to OMB through the Administrator of EPA. Class I includes projects that are out of compliance, have been subject to enforcement actions, or involve the provisions of a signed consent order or compliance agreement with the EPA or a state government agency. Class II projects include those that are required to meet a compliance deadline other than those identified as Class I. Class III projects include those that are important to an agency, but are not an imminent compliance requirement. Compliance requirements apply to all statutory and media program laws and regulations. Projects recommended by EPA, a state, or an agency can be deemed inadequate if the project will not maintain compliance with environmental statutes and regulations, the project will not correct violations identified during inspections, the project will not satisfy the provisions of a signed compliance agreement or consent order, or the project will not satisfy the priority areas established by specific EPA programs. Credit is given for each needed or inadequate project reported by the Region to Headquarters.

MEASURE: FFE - 2

1. Report the number of single statute inspections performed, including those that used multi-media screening checklists.
2. Report the number of facilities that are in non-compliance with all environmental statutes and regulations.
3. Report the number of completed single-media administrative enforcement actions at Federal facilities. Federal Facility Compliance Agreements are creditable administrative enforcement actions. Warning letters and NOVs should not be counted as completed administrative enforcement actions in STARS.

MEASURE: FFE-3 Federal Facilities Interagency Agreements

Under CERCLA Section 120, Federal agencies are required to enter into a Interagency Agreement (IAG) (or Federal Facilities Agreement (FFA)) with EPA within 6 months of completing the RI/FS. EPA policy is to enter into an IAG with the Federal agency and, to the extent feasible, the State, upon listing on the National Priorities List. This measure is intended to promote protection of human health and the environment through response actions performed by Federal agencies. Accordingly, credit is given for any of the following:
1) Execution of the final draft CERCLA Section 120 IAG/FFA or a letter of intent to execute a IAG/FFA by both EPA and the Federal agency, prior to the start of the public comment period;
2) Issuance of a RCRA Section 3008(h) corrective action order that addresses all releases at a facility;
3) Referral of a CERCLA Section 106 or RCRA Section 7003 Administrative Order to DOJ for concurrence;
4) Issuance of a RCRA permit addressing all releases and all CERCLA requirements at a facility; or
5) A formal referral has been made to the AA of OE for dispute resolution regarding one the matters described above.

A site can only receive credit once under this measure. For the first definition provided, above, this measure will usually be tracked in CERCLIS as the IAG Completion date.

MEASURE: FFE-4 Federal Facilities Records of Decisions

Federal facilities are required to complete a Record of Decision (ROD) to select a remedy. The EPA must agree with the Federal facility on the remedy, or the Administrator must select the remedy. Credit for this measure is given on the date the Regional Administrator or the AA for OE signs the ROD. This date is tracked in CERCLIS as the RI/FS Completion date.

MEASURE: FFE-5 Federal Facilities Remedial Actions

A remedial action is the implementation of response measures intended to ensure protection of human health or the environment. Federal facilities conduct remedial actions to reduce potential or actual threats pursuant to a ROD. Credit is given for this measure when the Federal facility initiates substantial continuous physical onsite remedial action pursuant to a ROD or other decision document under an IAG/FFA or other enforceable agreement. Interim response actions and expedited response actions can be credited to this measure.

MEASURE: FFE-6 Federal Facilities Removal Actions

Removal actions are conducted in response to emergency, time-critical, and non-time-critical situations at NPL and non-NPL sites. A Federal facility removal action is credited when on-site removal activity is initiated pursuant to an Action Memorandum or other appropriate decision document.

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: CIVIL JUDICIAL ENFORCEMENT

GOAL: Ensure vigorous enforcement against violations of environmental statutes.

OBJECTIVE: Track compliance with the terms and conditions of judicial consent decrees and address instances of noncompliance with appropriate actions.

MEASURE: Provide a quarterly report on the compliance status of EPA consent decrees by Region and statute.

STARS CODE: E/C-1
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

Regional reports include both the names and numbers of:

a. Active consent decrees
b. Active consent decrees in compliance
c. Active consent decrees in violation where formal enforcement action has commenced
d. Active consent decrees in violation where formal enforcement action is planned but has not commenced
e. Active consent decrees in violation with no formal enforcement action planned or necessary
f. Active consent decrees for which current status is unknown or not reported

OBJECTIVE: Monitor judicial enforcement activity levels

MEASURE: Report quarterly on the cumulative number of EPA civil actions. Report the cumulative totals for all programs for the following:
a. New referrals to HQ from Regions
b. New direct referrals to DOJ from Regions (including re-referred PRN's)
c. New pre-referral negotiations cases initiated
d. Consent decree enforcement cases

STARS CODE: E/C-2
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: CIVIL JUDICIAL ENFORCEMENT

GOAL: Ensure vigorous enforcement against violations of environmental statutes.

OBJECTIVE: Follow-though on active case docket. Provide support to program offices, Regions, and the Department of Justice in bringing high quality cases to a timely conclusion.

MEASURE: For pre-FY 1993 cases (fixed universe) specify the number of civil cases pending at the Department of Justice or filed in the Courts at the beginning of the fiscal year (including direct referrals). Each quarter, report current status of cases by statute:

STARS CODE: E/C-3
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

a. Cases concluded after filing
b. Cases concluded before filing
c. Cases filed in court
d. Cases pending at the Department of Justice or at the U.S. Attorney
e. Cases not concluded more than 2 years since filing

MEASURE: For 1993 case referrals (dynamic universe) specify the number of new civil cases referred to the Department of Justice since the beginning of the fiscal year (including direct referrals and re-referred PRNs). Each quarter, report cumulatively by statute:

STARS CODE: E/C-4
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

a. Cases concluded after filing
b. Cases concluded before filing
c. Cases filed in court
d. Cases pending at the Department of Justice or at the U.S. Attorney
e. Cases returned to Regions

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: CIVIL JUDICIAL ENFORCEMENT

GOAL: Encourage timely processing and settlement of enforcement actions.

OBJECTIVE: Ensure timely processing of proposed judicial consent decrees.

MEASURE: Report quarterly on the average review time by HQ for proposed consent decrees (by Statute) (target = 35 days). OE will provide quarterly reports on:

a. Number of consent decrees reviewed by OE and forwarded to DOJ
b. Number of consent decrees reviewed by OE and declined or returned to Region.
c. Average review time in days
d. Range of time needed to review consent decrees (minimum and maximum)

STARS CODE: E/C-5
TARGETED: Q1, 2, 3, 4
REPORTED: Q1, 2, 3, 4
SUNSET:

OBJECTIVE: Provide information on the timely disposition of cases.

MEASURE: Report the average time from initiation to disposition of cases concluded (with a consent decree or litigation) in FY 1993 (Q4 only).

STARS CODE: E/C-6
TARGETED: NO
REPORTED: Q4 only
SUNSET:

OBJECTIVE: Provide support to Program offices, Regions, and the Department of Justice in achieving high quality settlements.

MEASURE: Of the Superfund cases concluded since the beginning of the year, report the total number of 106 and 107 case conclusions and joint 106 and 107 case conclusions

STARS CODE: E/C-7
TARGETED: NO
REPORTED: Q4 only
SUNSET:

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: MULTI-MEDIA ENFORCEMENT

GOAL: Integrate a cross-program/multi-media perspective into all stages of environmental enforcement planning and decision-making.

OBJECTIVE: Encourage application of multi-media/cross-program enforcement approaches to achieve additional health and environmental protection results, deterrence, and efficiency which could not have been achieved by traditional single-media approaches alone.

STARS CODE: E/C-8
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

MEASURE:

Inspections

1.a. The number of consolidated multi-media inspections at privately-owned facilities.
b. The number of times each program participated in a consolidated inspection reported in 1.a.
c. The number of consolidated multi-media inspections at Federal facilities.
d. The number of times each program participated in a consolidated inspection reported in 1.c.
2.a. The number of coordinated multi-media inspections at privately-owned facilities.
b. The number of times each program participated in a coordinated inspection reported in 2.a.
c. The number of coordinated multi-media inspections at Federal facilities.
d. The number of times each program participated in a coordinated inspection reported in 2.c.
3. The number of single-media inspections where a multi-media checklist has been completed.

Enforcement Activity

4.a. The number of consolidated or coordinated civil judicial referrals to DOJ at privately-owned facilities.
b. The number of consolidated or coordinated civil judicial referrals to DOJ at Government Owned Contractor Operated (GOCO) Federal facilities.
5.a. The number of consolidated or coordinated administrative enforcement actions at privately-owned facilities.
b. The number of consolidated or coordinated administrative enforcement actions at Federal facilities (including GOCOs).
6.a. The number of civil judicial referrals and civil administrative enforcement actions coordinated at privately-owned facilities.
b. The number of civil judicial referrals and civil administrative enforcement actions coordinated at Federal facilities.

Settlements

7. The number of single-media cases with settlements containing multi-media elements.

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: CRIMINAL JUDICIAL ENFORCEMENT

GOAL: Ensure vigorous, timely, and high quality enforcement against violations of environmental statutes.

OBJECTIVE: Provide support to program offices and Regions in developing criminal enforcement actions.

MEASURE: Report cumulatively by principal statute on the status of EPA criminal actions. Report will include the following:

STARS CODE: E/C-9
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

a. Number of new investigations opened.
b. Number of open investigations as of end of quarter.
c. Number of investigations closed prior to referral to OCE.
d. Cumulative number of new referrals to from the Regions to OCE.
e. Cumulative number of new referrals to DOJ from OCE.
f. Cumulative number of cases returned withdrawn.
g. Number of individuals arrested by apprehension or indictment during the fiscal year (Q4 only).
h. Number of individuals charged during the fiscal year (Q4 only).

OBJECTIVE: Provide support to program offices, Regions, NEIC/Office of Criminal Investigations, and the Department of Justice in bringing high quality cases to a timely and successful conclusion.

MEASURE: For pre-FY 1993 cases (fixed universe) specify the number of criminal case referrals in progress at DOJ at the beginning of the fiscal year. Each quarter, report the current status of cases by principal statute.

STARS CODE: E/C-10
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

a. Number of referrals to DOJ by OE
b. Number of referrals under review at DOJ
c. Number of referrals under a grand jury investigation
d. Number of referrals in which charges have been filed
e. Cumulative number of referrals closed following prosecution
f. Cumulative number of referrals closed by DOJ without prosecution

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: CRIMINAL JUDICIAL ENFORCEMENT

GOAL: Ensure vigorous, timely, and high quality enforcement against violations of environmental statutes.

MEASURE: For 1993 case referrals (dynamic universe) specify the number of new criminal referrals at DOJ since the beginning of the fiscal year. Report cumulatively by principal statute:

STARS CODE: E/C-11
TARGETED: NO
REPORTED: Q1, 2, 3, 4
SUNSET:

a. Cumulative number of referrals to DOJ by OE
b. Number of referrals under review at DOJ
c. Number of referrals under a grand jury investigation
d. Number of referrals in which charges have been filed
e. Cumulative number of referrals closed following prosecution
f. Cumulative number of referrals closed by DOJ without prosecution

OBJECTIVE: Encourage timely processing of criminal enforcement actions.

MEASURE: Of the criminal cases referred to DOJ during the fiscal year, report the:

STARS CODE: E/C-12
TARGETED: NO
REPORTED: Q4 only
SUNSET:

a. Average time from opening of criminal investigation to referral to OCE
b. Average time from referral to DOJ until charges are filed

OBJECTIVE: Monitor the quality and strategic value of criminal cases.

MEASURE: For all criminal cases which are concluded during the fiscal year, report the following cumulative totals by principal statue:

STARS CODE: E/C-13
TARGETED: NO
REPORTED: Q4 only
SUNSET:

a. Number of referrals resulting in a conviction (plea or verdict)
b. Number of referrals for which all charges were dismissed or all defendants were acquitted
c. Number of defendants charged
d. Number of defendants convicted
e. Number of defendants acquitted or dismissed (after charges)
f. Number of defendants sentenced
g. Amount of fines assessed (before suspension)
h. Months of incarceration ordered (before suspension)

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: CRIMINAL JUDICIAL ENFORCEMENT

GOAL: Ensure vigorous, timely, and high quality enforcement against violations of environmental statutes.

OBJECTIVE: Monitor State enforcement activity on cases referred to States by EPA's criminal enforcement program.

MEASURE: The following measures refer only to cases in which EPA has performed a significant amount of the criminal investigatory work prior to referral to a State (State is intended to include States, other nations, Indian tribes, and local governments).

STARS CODE: E/C-14
TARGETED: NO
REPORTED: Q4 ONLY
SUNSET:

a. Number of EPA referrals to States
b. Number of individuals arrested
c. Number of defendants charged
d. Number of defendants convicted
e. Number of defendants acquitted or dismissed
f. Number of defendants sentenced
g. Amount of fines assessed
h. Amount of fines assessed (after suspension)
i. Months of incarceration ordered
j. Months of incarceration ordered (after suspension)

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: FEDERAL FACILITIES ENFORCEMENT

GOAL: Carry out a vigorous Federal facilities compliance and enforcement program.

OBJECTIVE: Achieve and maintain high rates of compliance at Federal facilities through the OMB A-106 pollution abatement process.

MEASURE: 1. Report total number of needed or inadequate OMB A-106 projects for each media program by compliance class category (i.e., class I, II, or III).

STARS CODE: FFE-1
TARGETED:
REPORTED: Q2,4
SUNSET:

OBJECTIVE: Establish and implement cross-program/multi-media enforcement program at Federal facilities to achieve additional protection of human health and the environment, deterrence, and timely and appropriate enforcement with greater efficiency than the traditional single-media approaches.

MEASURE: Federal Facility Inspections and Enforcement Actions

STARS CODE: FFE-2
TARGETED:

1. The number of single-media inspections performed at Federal facilities.
2. The number of Federal facilities that are in non-compliance with any environmental statutes and regulations.
3. The number of single-media administrative enforcement actions.

OFFICE OF ENFORCEMENT
FY 1993
PROGRAM AREA: FEDERAL FACILITIES ENFORCEMENT

GOAL: Ensure a protective and efficient response program at Federal agency Superfund sites.

MEASURE:	Target and report Interagency Agreements. Credit is given for IAGs signed at NPL or proposed NPL sites for RI/FS/RD/RA or RD/RA only.	STARS CODE: FFE-3 TARGETED: Q1,2,3,4 REPORTED: Q1,2,3,4 SUNSET:
MEASURE:	Target and report number of sites where a Record of Decision has been signed by either the Regional Administrator or the Assistant Administrator for OE for a Federal facility.	STARS CODE: FFE-4 TARGETED: Q1,2,3,4 REPORTED: Q1,2,3,4 SUNSET:
MEASURE:	Target and report number of remedial action activities initiated at Federal facilities. Credit is given where substantial continuous physical onsite remedial action has been initiated pursuant to a ROD or other decision document under an IAG/FFA or other enforceable agreement.	STARS CODE: FFE-5 TARGETED: Q1,2,3,4 REPORTED: Q1,2,3,4 SUNSET:
MEASURE:	Target and report number of removal actions initiated at Federal facilities pursuant to a IAG/FFA or other enforceable agreement.	STARS CODE: FFE-6 TARGETED: Q1,2,3,4 REPORTED: Q1,2,3,4 SUNSET:

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