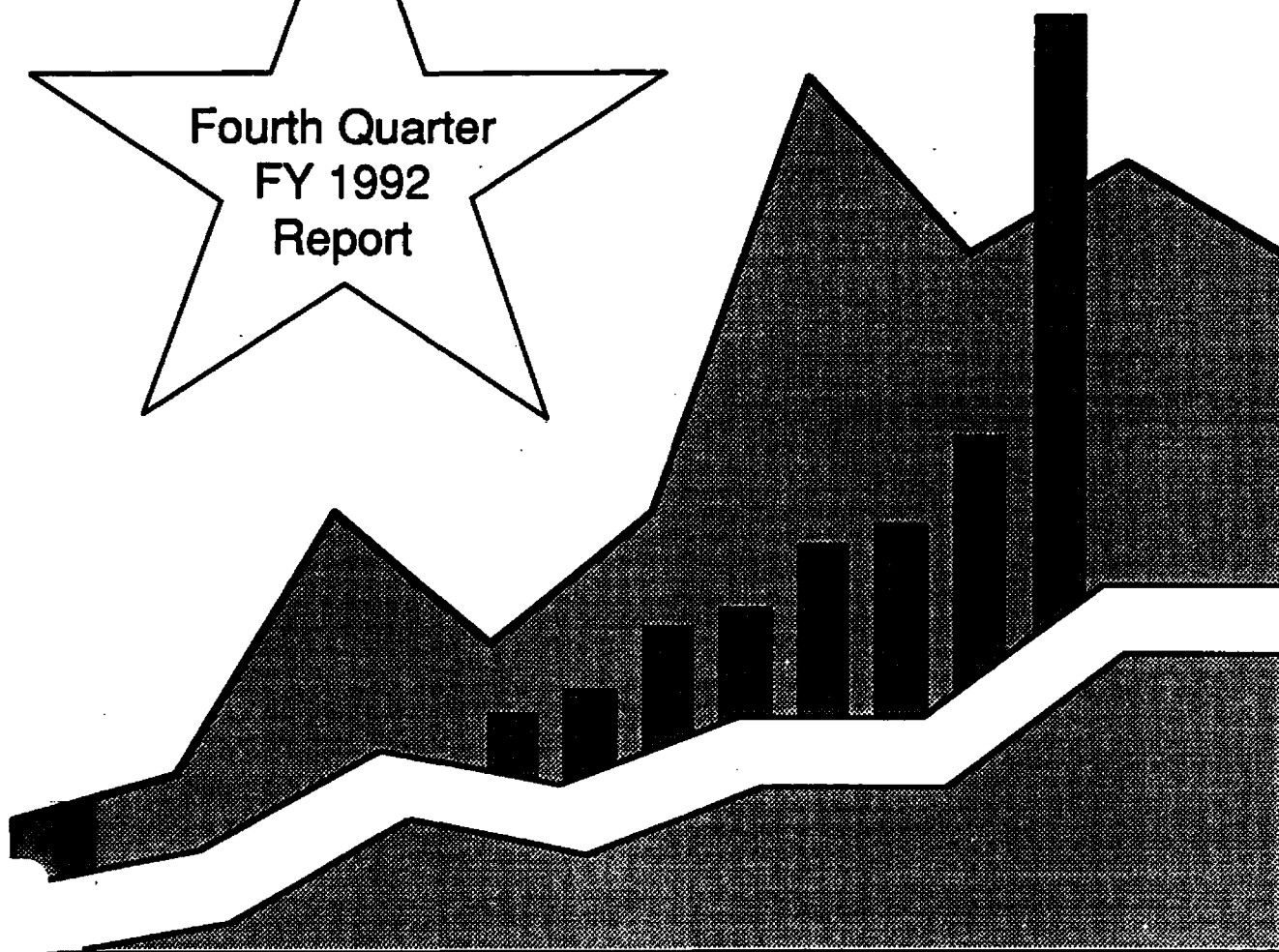
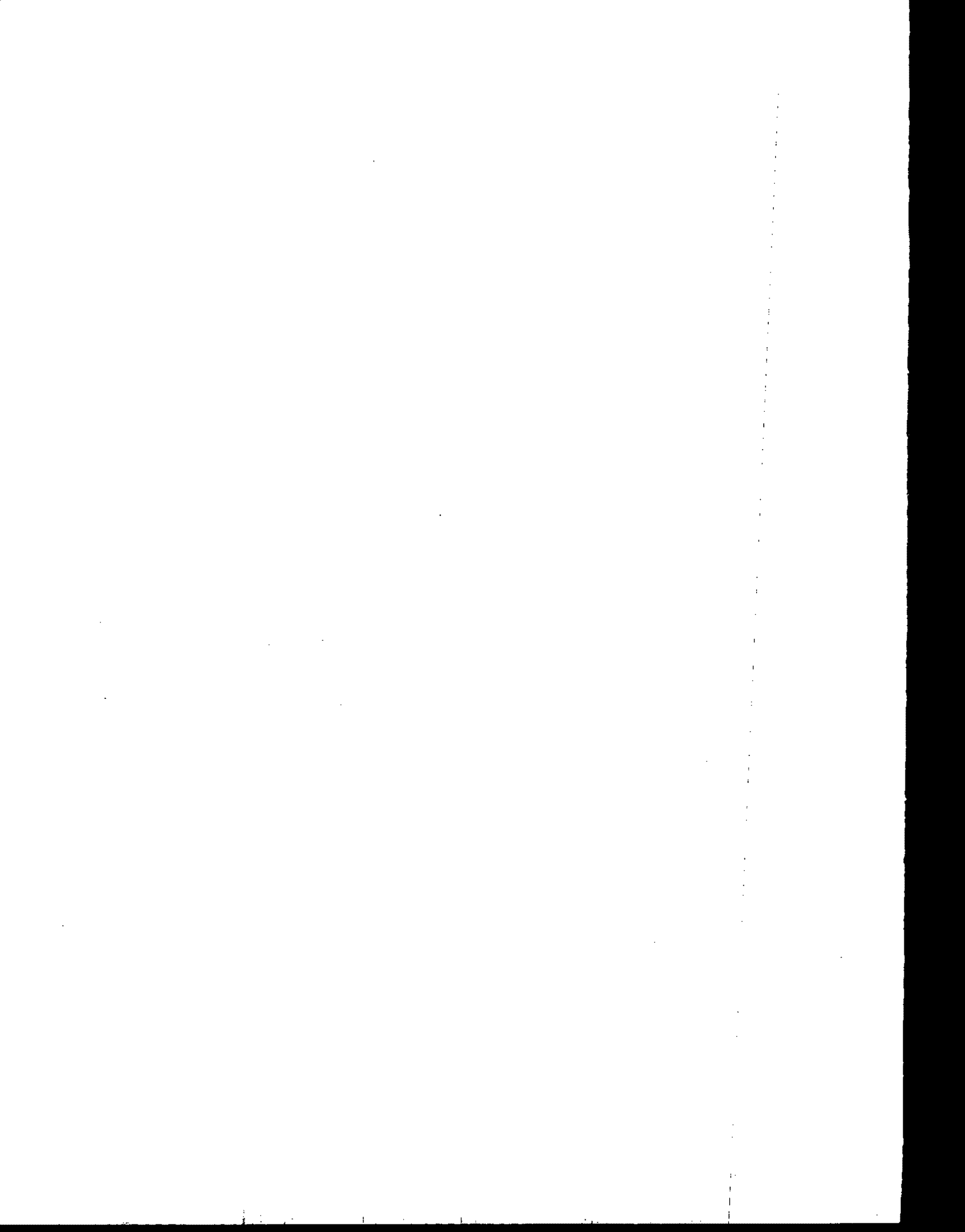




# Quarterly Progress Report

Fourth Quarter  
FY 1992  
Report





**U.S Environmental Protection Agency**

**Quarterly Progress Report**

**Fourth Quarter FY 1992 Report**

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## **FY 1992 FOURTH QUARTER PROGRESS REPORT PROGRAM HIGHLIGHTS**

### **OFFICE OF AIR AND RADIATION**

- The Office of Air and Radiation has put into place a market-based acid rain control program.
- Rules to address the phase out of chlorofluorocarbons were finalized in FY 1992.
- The use of voluntary programs to address global warming by reducing energy consumption is proving successful.
- Four of the 39 areas required are not in compliance with the new rules on oxygenated fuel use.
- The proposed Hazardous Organic NESHAP will address toxic emissions from the chemical industry.
- Ninety percent of the required VOC rule corrections have been submitted to EPA for review. Of these, 52% have not been published in the *Federal Register* as of end of FY 1992.
- For PM-10, Six Notices of Proposed Rulemakings announcing failure to submit are in review at Headquarters. An additional 12 of the 67 required State Implementation Plans for PM-10 have not been submitted. Thirteen additional PM-10 nonattainment areas were identified in FY 1992.

### **OFFICE OF ENFORCEMENT**

- Over the past three years, significant increases occurred in: the Agency's active case load (both civil and criminal); the number of open criminal investigations; the number of criminal cases referred to DOJ; and, the number of criminal and CERCLA cases concluded.
- OE began collecting regional reports on multi-media enforcement activities during FY 1992. Activities reported during the year include 407 consolidated and 183 coordinated multi-media inspections.

## **OFFICE OF POLLUTION, PESTICIDES, AND TOXIC SUBSTANCES**

- During FY 1992, regions and HQ settled 161 cases with provisions for EBEs included in the settlement conditions; in FY 1991, the first year that EBEs were reported, 136 cases were settled with EBEs.
- During the past three years, regions and HQ very consistently approached or exceeded planning targets for inspections under TSCA, FIFRA, and EPCRA.
- New chemical control actions are up in FY 1992 (by more than 100% over the previous year), both as a percentage of new chemical notices received and in absolute terms.
- A total of 28 REDs were completed by the end of FY 1992. While completion of REDs is measuring up well to annual targets, the 1995 deadline for reviewing all 407 supported chemical cases is looking increasingly unrealistic.
- Over 1000 companies have committed to achieving emission reductions under the 33/50 Project since it began in 1991.
- Regional innovation focuses on pollution prevention, 33/50, multi-media, outreach, education, and cooperation.

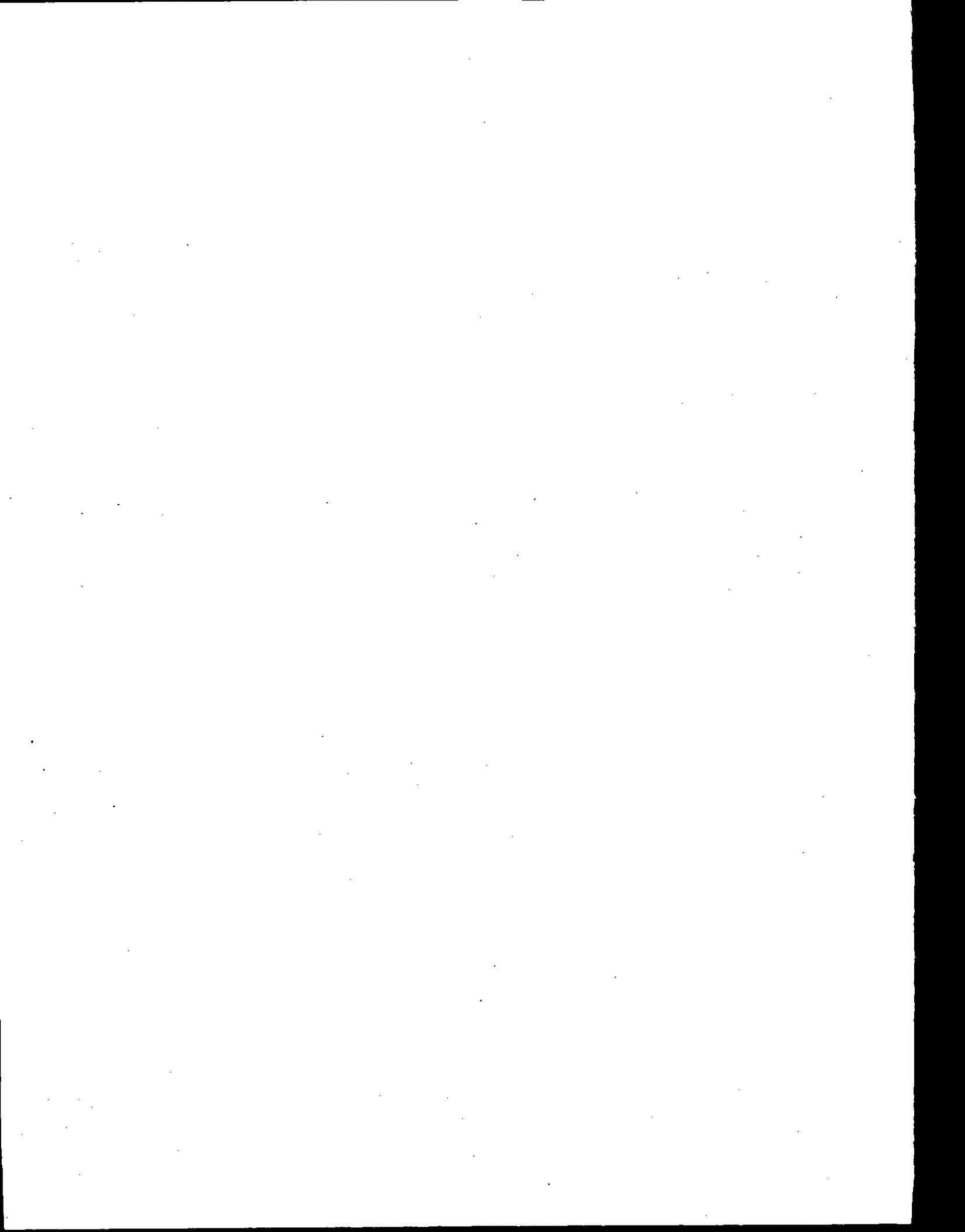
## **OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE**

- Superfund completed cleanup at 86 National Priority List sites this year for a total of 149 sites altogether (15% more than the goal), and Superfund enforcement recovered \$297 million in dollar value of costs. Superfund expects to reach its goal of completing cleanups at 200 NPL sites by the end of next year.
- There are 46 States and the District of Columbia and Guam with final authorization for the RCRA Subtitle C hazardous waste base program, 32 states for the program covering radioactive waste mixed with hazardous waste, and 16 states for the corrective action program.
- RCRA has approved closing over 1,200 facilities (mostly landfills, certifying closure of over 200 facilities this last year) and made 766 permit determinations the last four years.
- Virginia and Wisconsin are the first states to receive tentative approval of their municipal solid waste landfill permit programs.

- Since 1986, oil releases have been confirmed from 200,000 underground storage tanks, cleanups have been completed at 55,000 USTs, with responsible parties doing 97% of the work!

## **OFFICE OF WATER**

- States issued 1,617 Administrative Orders (AO) against NPDES Permittees. This marks a 20% increase over FY 1991 State AO performance.
- 43 states and 5 territories are in full compliance for aquatic life and human health criteria for priority pollutants.
- Testing and monitoring of active underground injection wells has consistently exceeded performance expectations over the past four years.
- Regions III and IV were strong in Wetlands public outreach efforts. The number of Wetlands enforcement cases resolved almost doubled since 1989.
- Regions are behind in designating ocean dumping sites, completing one of six final actions in FY 1992. Over the past three years, the program has increasingly missed this target.



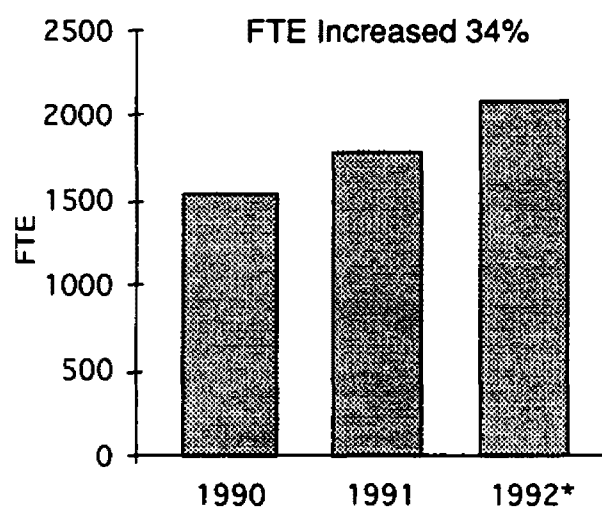


## OFFICE OF AIR AND RADIATION

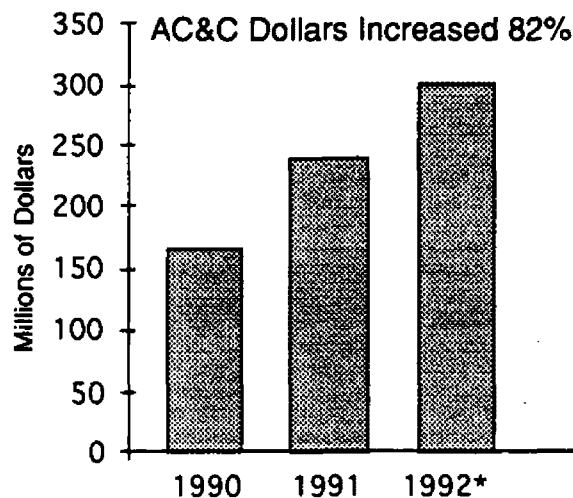
Office of Air and Radiation (OAR) programs address many of the high risk environmental problems faced by EPA, as discussed in the Science Advisory Board report, *"Reducing Risk: Setting Priorities and Strategies for Environmental Protection."* OAR's mission is to protect human health and the environment, including ecological and aesthetic effects, from airborne pollutants and radiation.

OAR has a multi-phased planning process, including the draft 1994 -1998 Strategic Plan, an "Implementation Strategy" for the Clean Air Act Amendments of 1990, and the annual Memoranda of Agreement (MOAs). These MOAs articulate regional commitments toward achieving program goals and objectives. This report uses information generated from the MOA reporting system and other sources and is intended to track progress on implementing goals and objectives. In FY 1992, OAR did not report into STARS, the Agency's centralized management system.

To provide a general look at OAR resources, the charts below shows the increase in funding for the Office of Air and Radiation over the last three years:



\* 3/31/92 Operating Plan



\*3/31/92 Operating Plan

## IMPLEMENTATION OF CLEAN AIR ACT AMENDMENTS

The President signed the CAA Amendments in November of 1990. In the two years since then, the Agency has proposed or finalized more than 80 of the 120 rules and guidance documents required by the Amendments. Once implemented by the states, more than 85 percent of the 57 billion pounds of annual emissions reductions mandated will be addressed.

## STRATOSPHERIC OZONE PROTECTION

The goal of the stratospheric ozone protection program is to reduce skin cancer deaths associated with ozone depletion; the primary objective for achieving this goal is to lower cumulative chlorine concentrations in the stratosphere to less than two parts per billion by the year 2015. Program strategies include: implementing domestic responsibilities under the revised Montreal Protocol and the CAAA; expediting the phaseout of ozone depleting chemicals internationally; and ensuring and promoting effective, environmentally-sound substitutes and technologies in the U.S. and abroad.

Fourth quarter, the final rule to complete phaseout of production and consumption of Class I substances by 2000 was signed by the Administrator and published in the *Federal Register*. The rule on servicing motor vehicle air conditioners was also published in the *Federal Register* on July 14, 1992.

Publication is planned in the next fiscal year for four more final rules: to ban nonessential consumer products containing CFCs (December 1992); on labeling consumer products using ozone depleting chemicals (February 1993); on recycling and disposal of ozone depleting substances (May 1993); and on safe alternatives (September 1993). These rules, as required by the CAAA, are designed to meet or exceed the revised Montreal Protocol.

## GLOBAL WARMING PREVENTION

OAR's strategic goal for global climate change is to avoid or reduce potential increases in global warming. To support this goal OAR is directing activities toward stabilizing methane concentrations in the earth's atmosphere by the year 2005 and promoting voluntary energy conservation.

### Methane Reduction

The dominant strategy for methane reduction is to identify and promote, within the U.S. and internationally, profitable options for reducing methane emissions from major anthropogenic sources. Four methane reports are due to Congress in November 1992. Of these, two are in Red Border this quarter: Anthropogenic Methane Emissions in the United States and Options for Reducing Methane Emissions from Anthropogenic Sources Internationally. The other two, Options for Reducing Methane Emissions from Anthropogenic Sources in the United States, and Current and Future Methane Emissions from Natural Sources are in technical peer review.

### Energy Conservation

OAR has set a goal for the year 2000 to reduce U.S. combustion-related air pollution from stationary sources by 20 percent through the use of market-based energy conservation programs. Strategies include: use of voluntary programs to encourage industry to pursue profitable energy saving investments; promotion of the development and sales of energy efficient technologies; acceleration of state actions to provide market incentives for utilities

to promote energy-efficiency; and efforts to identify and remove private regulatory liability and other institutional obstacles to energy efficiency.

Green Lights encourages U.S. corporations and governments to install energy-efficient lighting, thereby cutting air pollution and saving energy. Fourth quarter, the number of participants in the Green Lights program grew from 561 to 651.

The Energy Star Computer program was developed with industry cooperation with the goal of manufacturing and marketing energy-efficient computer equipment that shuts off automatically when not in use, reducing by half the electricity now used, and saving up to \$1 billion in electricity bills. By the end of the decade, use of these machines is expected to save energy equivalent to the output of 20 power plants and prevent carbon dioxide emissions by 20 million tons. Fourth quarter, seven new companies joined the program, bringing the total number of participants to twelve. An effort is underway to include computer printers in the program.

The Golden Carrot Super Efficient Refrigerator Program, which will market refrigerators that use less energy and no CFCs, was announced this quarter. Prototypes of the new models are expected in the summer of 1993. The refrigerators are 30 to 50 percent more efficient than the Department of Energy's existing standard for electricity consumption.

### ACID RAIN REDUCTION

OAR's strategic objective in the acid rain program is to achieve a permanent 10 million ton per year reduction in SO<sub>2</sub> emissions and a 2 million ton per year reduction in NO<sub>x</sub> emissions, both by the year 2000. Strategies to achieve these reductions include development of an integrated package of core acid rain rules that take full advantage of market based principles to promote conservation, achieve required reductions at the lowest possible cost, and develop an interagency environmental monitoring and assessment program.

EPA announced the delegation of the allowance auction and sales program to the Chicago Board of Trade. The first auction will be held in March, 1993. The Acid Rain Final Core Rule Package, which includes the Permits Allowance Systems, Continuous Emissions Monitoring, and Excess Emissions rules was transmitted to OMB August 7, 1992.

### NAAQS ATTAINMENT

The goal for NAAQS attainment is to reduce human health risks among the 150 million Americans living in areas that do not meet standards for ozone, carbon monoxide, particulate matter, sulfur dioxide, lead, and nitrogen dioxide. OAR expects to achieve NAAQS in most nonattainment areas within 10 years and all nonattainment areas within 20 years, and to prevent significant deterioration of air quality in areas already in attainment.

### Ozone / Carbon Monoxide

OAR has many programs and activities in place to address the health risks associated with these pollutants:

### VOC Rule Corrections - RACT Fix-ups

States must require existing industries located in areas of nonattainment to install reasonable available control technology (RACT) for VOCs, which are precursors of ozone. The deadline for submission of these RACT rules was May 15, 1991. The universe of required RACT fix-ups is 1,679 and as of fourth quarter 90% or 1,507 have been submitted to EPA. This represents a two percent increase in submittals over last quarter. Currently, Region V has the lowest completion rate (75%). Regions VI, VII, VIII and X have completed 100% of this work. The District of Columbia submitted their deficient draft rules to Region III on September 29, 1992. The Agency should promulgate within one year of the completeness review, but currently 788, or 52%, of the rules have not been published in the *Federal Register*. The delay is attributed to competing priorities, lack of resources and lack of trained staff. In addition, the regions tend to prefer to work out problems with the States rather than disapprove the rules, because disapprovals trigger sanctions and Federal Implementation Plans.

### Emissions Inventories

Completed and approved Inventory Preparation Plans (IPPs) form the basis for the development of the ozone and CO SIP Inventories. IPPs were required to be final by October 1, 1991. All states have now submitted IPPs.

Progress in draft submittals of SIP inventories is limited, with 67% of the expected draft ozone/carbon monoxide inventories received in 1992. The deadline for drafts was May 1, 1992. As of fourth quarter, none of the states had *complete* submissions for ozone or CO. OAR continues to implement its direct assistance program through the regions to support states with the preparation of their inventories, and expects this work to continue through FY 1993.

### Ozone Maintenance

Nonattainment areas seeking to be re-classified to attainment for ozone are required to submit plans projecting continued maintenance of the standard. Third quarter, Kansas City's plan was finalized and approved by the region. There was no activity reported in fourth quarter. Headquarters will be working closely with the regional offices on maintenance planning for states that are pursuing re-designation to attainment.

### Ozone Modeling for SIP Attainment Demonstration

Development of a modeling protocol is the first step in fulfilling the requirement to conduct photochemical grid modeling to demonstrate planned attainment with the NAAQS for ozone. Attainment demonstration analysis based on the grid models are to be completed by November of 1993. The modeling protocol has been prepared in all of the 26 areas required to do grid modeling. Two more areas, Lake Michigan and Detroit, have had their modeling protocols accepted as final in fourth quarter, bringing the total number of final protocols to seven.

This year the Office of Mobile Sources (OMS) has concentrated on two priorities to address ozone and carbon monoxide: establishing new basic and enhanced Inspection and Maintenance (I/M) programs and ensuring that the oxygenated fuels program starts on time and operates well.

### Inspection and Maintenance Programs

The Clean Air Act Amendments of 1990 (CAAA) raised the number of I/M programs operating across the nation from 40 in FY 1990, to 43 in FY 1991, to 48 in 122 urban areas across the United States in FY 1992.

Although emission systems usually work properly when a vehicle is new, the average car on the road emits three to four times the emissions legally allowed because the emission equipment has malfunctioned or been damaged in some way in use. By testing evaporative emissions and tailpipe emissions, the I/M program ensures that motor vehicle emission systems are functioning as required and that those malfunctioning are repaired.

I/M programs are now required in 177 urban areas in 38 states, all of which experience unhealthy levels of smog, carbon monoxide, or both. This represents an increase of over 300% in the number of I/M programs since 1989. Many of these programs require authority from state legislatures, and therefore are not operational yet.

### Audits of I/M Programs

While states are largely responsible for running the I/M programs, EPA conducts periodic audits of local programs to ensure their effectiveness. Recently however, these audit efforts have suffered a lack of resources because EPA program efforts focused on issuing the regulations and other related CAAA activities. While a few site inspections of problem I/M programs have continued in the last two years, for the most part OMS has resorted to sending I/M programs a self-evaluation forms in place of a site visit by inspectors. No tests have been conducted to determine whether the self-evaluation forms filled out by individual I/M program managers are as effective in detecting problem I/M programs as the site inspections.

### Oxygenated Fuels

Oxygenated fuel implementation, the first OMS rule to be implemented under the CAAA of 1990 goes into effect November 1, 1992. Thirty-nine areas are required to sell fuel during the cooler months with MTBE (Methyl Tertiary Butyl Ether). All but four areas are expected to comply. The four states with areas out of compliance are Massachusetts, Tennessee, Minnesota, (Minneapolis is conforming, but Duluth is not) and Ohio. Supplies of the oxygenated fuel are expected to be sufficient to meet demand and not create significant price increases except in Alaska.

MTBE increases the oxygen content of the fuel significantly reducing vehicle carbon monoxide commonly found during cooler weather. Over the past year, OMS staff have been writing various guidances related to this regulation such as labeling guidance, control

period guidance for different areas. Staff have also been traveling to areas required to sell oxygenated fuels to provide technical assistance.

### Regulation/Rule Production

According to the revised Clean Air Act Implementation Strategy, OMS has issued 14 Clean Air Act rules/regulations since the CAAA were passed in November 1990. OMS has 22 more to issue, 13 of which have missed their statutory deadline. For these thirteen missed deadlines, the cause is usually the result of delays at the Office of Management and Budget.

### Other Programs

Other major work that has taken place this year includes work on the "Mobile 5" computer model that assists states and localities develop their emission inventory, a baseline of pollution levels required in State Implementation Plan development. Recent "Mobile" models have come under criticism for being inaccurate. OMS hopes that Mobile 5 will improve on this record. Other work has included reformulated fuels research, as well as work on the fleet rules.

#### Criteria Air Pollutant Trends

	Reduction in Emissions 1970-1991	Millions of People Living in Nonattainment Areas, 1991
Ozone	38%	69.7
Carbon Monoxide	50%	19.9

### PM-10

Particulate matter 10 micrometers or smaller in diameter (PM-10) penetrate to the deeper portions of the lung, posing health risks affecting sensitive populations groups such as children and those with respiratory diseases. At least 27 million Americans live in places that exceed the standard for PM-10.

For the 67 initial nonattainment areas, State Implementation Plans (SIP) were due on November 15, 1991. Fourth quarter, 18 (down from 24 second quarter) are still outstanding. Forty-six have been found complete (up from 36 second quarter). Of the 46 complete SIPs, only six *Federal Register* notices have been sent by the regions to headquarters for review. Resource constraints in Regions II and VII are again being cited as major impediments to SIP processing. Six Notices of Proposed Rulemakings announcing findings of failure to submit have been sent to Headquarters for review. Sanctions or FIP development may be required for some of the outstanding SIPs.

Thirteen additional nonattainment areas for PM-10 were identified in 1992. A *Federal Register* notice to that effect was published on September 22, 1992. Areas which will not be able to demonstrate attainment of the NAAQS by December 1994 must follow Best Available Control Measures (BACM) guidance. Fourth quarter, draft technical BACM guidance was issued for three PM-10 source categories --urban fugitive dust, residential wood combustion, and prescribed silviculture and agricultural burning.

Criteria Air Pollutant Trends		
	Reduction in Emissions 1970-1991	Millions of People Living in Nonattainment Areas, 1991
Total Particulates & PM-10	61%	21.5

### Lead

The goals of the lead program are to enforce current emission limits, evaluate and revise as necessary existing SIPs, continue operation of the monitoring network, and identify and monitor other significant sources.

All Regions completed the installation of the required monitors around the primary and secondary lead smelters and are reviewing the monitoring data to identify potential problems. Work is continuing to develop source inventories and install additional monitors as necessary, although progress in Regions IV and VII in developing source inventories is limited due to resource constraints.

Criteria Air Pollutant Trends		
	Reduction in Emissions 1970-1991	Millions of People Living in Nonattainment Areas, 1991
Lead (Pb)	98%	14.7

### AIR TOXICS REDUCTION

OAR's air toxic reduction goal is to reduce cancer deaths attributed to non-occupational exposure to air toxics. Specific program objectives include a reduction in risk from air toxics exposure from major point sources by 75% by 1997 and from area point sources by 50% by 2000, and a reduction of risk of exposure to mobile source air toxics by 50% by the year 2005. Information generated from the Superfund "right-to-know" rule indicate that more than 2.7 billion pounds of toxic air pollutants are emitted annually in the United States.

The Early Reduction Program (ERP) strategy is to encourage facility owners and operators to achieve reduction of air toxics emissions before the regulations requiring maximum achievable control technology (MACT) are issued. State submittals number 75 as of fourth quarter. Of these, 31 were found incomplete, 28 are undergoing technical review after being found complete, and 8 were withdrawn.

The number of enforceable commitments is lower than expected, and may be due to a variety of factors, such as: MACT standards are not final, some state and local air agencies are not convinced that participation will lead to greater emissions reductions, and some state and local regulations may require stricter standards than those in the ERP.

### **OPERATING PERMITS**

The CAAA requires states to issue federally enforceable operating permits to major stationary sources of air pollution. These permits are designed to enhance the ability of EPA, the states, and citizens to enforce the requirements of the Act by containing all the relevant air pollution regulations pertinent to the source in its permit. The program is designed to allow state development with EPA oversight.

By November 15, 1993 the Governor of each state must submit to EPA a permit program meeting the requirements of CAAA. Within one year after receiving the submittal, EPA must approve or disapprove it, in whole or in part. If EPA disapproves the program, a mandatory sanctions clock begins an 18 month timetable. After two years, states without an approved permit program in place will have a federally operated program.

This year, OAR priorities included obtaining schedules for states for developing approvable permit programs and assisting states with their program development. At the end of fourth quarter, only fifteen states had acceptable legislation for the program.

Some states, such as Pennsylvania, Indiana, Idaho, and Alaska, may not be able to meet the November 15, 1993 submittal date. This is because of problems with existing legislation in their permit programs or because the state governments are balking at certain provisions of the permit rule, such as EPA's ability to review a permit issued by a state. OAR is working with the state legislatures to try and get the legislative approval process moving quicker in the rest of the states, but unforeseen state legislative minefields may still be out there.

OAR permit program activities this year consisted of getting the permit program regulation through OMB for issuance in July. After July, the permit program provided workshops for states on the permit program -- sending out guidance and a newsletter, and supporting a lot of interaction with the states and Regions to make an impact on state legislatures.

### **RADON**

In June, the headquarters and regional management of the radon program set quantitative goals for increased testing and mitigation of homes and schools, as well as increases in the number of new homes built with radon-resistant features. These goals were the starting



point for negotiations for FY93. The progress of the Radon program over the last four years on key goals is shown in the diagram below. The new measurable goals for the radon program include awareness, testing in non-real estate transactions, testing in real estate transactions, mitigation, in real estate and non-real estate transactions, school testing, new construction with radon resistant features, new construction laws or real estate policies relating to radon. Regional activities included promoting public awareness about radon, managing radon grants to the states and providing technical assistance to states and localities.

### INDOOR AIR

No commitments or accomplishments for indoor air activity are recorded in ORIA's Regional Accomplishments Report for FY 1992 although Regions I and IV mention coordinating their radon program with the Regional indoor air program. For fourth quarter, the Indoor Air Division reports completing plans for the Indoor Air Quality Clearinghouse that will provide information and guidance to the public on indoor air issues.

### RADIATION

FY 1992 radiation activities fell under the following categories: standards development and studies, NESHAPs, radioactive waste, electromagnetic fields, emergency response, and superfund assistance.

There are four people in the Office of Radiation and Indoor Air (ORIA) working on Electromagnetic Fields. There is one person in the Office of Research and Development working on electromagnetic fields who is funded by the Department of Energy. These five comprise the Agency's electromagnetic fields effort.

Regions participated in 11 emergency response exercises in FY 1992 and 23 in FY 1991. Regions and headquarters are also laying the groundwork to delegate the NESHAP for radionuclides to the states. This involves meeting with state officials, providing training and education, the starting the approval process for state programs.

In FY 1992, the Waste Isolation Pilot Project (WIPP) continued to absorb the lion's share of ORIA's radiation related work in FY 1992. Activities focused supporting passage of the WIPP Land Withdrawal Act and planning for FY 1993 implementation activities which include preparing for rulemakings surrounding the testing of the WIPP and EPA's high level waste disposal regulations.

### AIR ENFORCEMENT

In FY 1992, the Regions began to broadly utilize their new administrative penalty authority. During the year, 96 new administrative penalty cases were filed and 22 orders were issued with final penalties (the 22 final orders involve a reported \$764,938 in assessed penalties). Each Region issued at least three orders, with four Regions issuing the bulk; Region V (22), Region X (18), Region II (13), and Region IX (10).

The Regional air enforcement staffs were also heavily involved in supporting the Administrator's multi-media enforcement initiative. The Regional air staff participated in

133 consolidated multi-media inspections and 56 coordinated multi-media inspections, in addition to working on a significant number of multi-media enforcement actions.

### NAAQS Enforcement

OAQPS reports there were 10,076 Class A and New Source Performance Standard (NSPS) sources in NAAQS non-attainment areas in the fourth quarter (Region V (34%) and Region IX (19%) are responsible for over half of the sources). Of the Class A and NSPS sources, 9,162 (90.9%) were in compliance up from 89.6% last quarter. (The rate for sources with known compliance status was 92.8%). The remaining 914 sources had the following status: 456 (4.5%) were non-complying, 221 (2.1%) had an unknown compliance status (a sharp improvement from 341 last quarter), and 237 (2.4%) were on a compliance schedule. Regions VI and VIII reported the highest compliance rates, both over 95%. During the quarter, Region VII reduced its number of sources with unknown compliance status from 79 to one.

### Nontransitory NESHAP Sources

OAQPS reports there were 1,170 nontransitory National Emission Standards for Hazardous Air Pollutant (NESHAP) sources as of the end of the year. Of these, 954 (81.5%) were reported as in compliance, up three percent over last quarter. (The rate for for sources with known compliance status was 88%.) The remaining 216 NESHAP sources had the following status: 87 had unknown status (down from 120 last quarter), 91 were non complying, and 38 were on a compliance schedule. Compliance rates continue to vary substantially between Regions; Regions VIII, IX and X all had rates above 92% while Regions II and IV had rates below 71%. Almost half of the non-complying facilities were in Regions II (25) and VI (19).

### Asbestos Demolition and Renovation Activity

For the period October 1, 1991 to June 30, 1992, the Regions and States reported 9,958 and 47,719 notifications respectively. During that period, the Regions conducted 285 inspections and the States 11,739. Violations of the Asbestos D&R requirements have been reported as follows: notification violations - Regions identified 354 and the States 775; substantive violations - Regions 11 and the States 194.

### Summary of CAA Enforcement Activity

OAQPS reports the following major enforcement outputs through September 30, 1992:

	EPA	STATES
Civil Referrals	87*	182
Criminal referrals	7*	0
Administrative Orders	354	643

(NOTE: State data includes 3rd Quarter data only; EPA orders do not include 4th Quarter data for the asbestos demolition and renovation program)

\* Civil and criminal referral numbers for CAA are reported by OE.

The civil referral total is similar to the levels over the last two years (91 and 74). The administrative order total is well above the fourth quarter total in FY 1990 (249) and FY 1991 (214). The total is made up from 134 asbestos cases and 134 stationary source cases. Five Regions (I, II, V, IX, and X) accounted for 82% of the 354 EPA administrative orders while three Regions II (14), V (18), and IX (20) accounted for 60% of the regional civil judicial referrals.

#### Summary of Significant Violator Activity

OAR reports that 849 significant violators have been addressed this year. During the quarter, 275 new violators were added to the list and 299 violators were addressed or removed from the existing list. As of the end of the quarter, 438 significant violators (up 14) were on the list of violators which needed to be addressed.

OAR also reported the following FY 1992 statistics in regards to timely and appropriate enforcement requirements:

- 424 SVs had been addressed within 150 days
- 98 SVs had been addressed within 151 to 365 days
- 85 SVs had been addressed beyond 365 days, and
- 190 SVs were unaddressed after 365 days.

Of the 190 SVs unaddressed after 365 days, 123 were in Region V, 26 were in Region II, 15 were in Region VI, and 11 were in Region IV. No other Region had more than 8 SVs on that list. OAR also reported that there had been 50 State to EPA lead changes during the year.



## **OFFICE OF ENFORCEMENT**

### **INTRODUCTION**

The Office of Enforcement (OE) Strategic Plan is an operative guide for media-specific, cross-program, and multi-media enforcement. Activities within OE's purview aim toward: targeting compliance monitoring and enforcement resources to achieve environmental results; screening for enforcement response to realize the full potential of enforcement authority; and, gaining maximum leverage from each individual enforcement action.

### **REGIONAL MULTI-MEDIA ENFORCEMENT ACTIVITIES**

This is the first year that OE has gathered data on regional multi-media enforcement activities and reported it to STARS. This data represents a new focus for OE and the regions expanding the Agency's traditional enforcement efforts to the multi-media arena.

### **MULTI-MEDIA CONSOLIDATED INSPECTIONS**

A consolidated inspection occurs when a single inspection covers two or more programs. By the end of FY 1992, regions conducted a total of 407 consolidated inspections. The 407 multi-media consolidated inspections included 1,016 program specific inspections (within twelve different programs). Efforts under CAA, NPDES-CWA, RCRA, and EPCRA contributed most heavily to the multi-media total.

### **MULTI-MEDIA COORDINATED INSPECTIONS**

A coordinated inspection is one in which no more than three months have elapsed between inspection by one program and subsequent inspection by another program. The coordinated inspection must be the result of prior collaboration and planning between programs. The regions completed 183 multi-media coordinated inspections this year; 480 program specific inspections were completed as part of the 183 coordinated inspections.

### **MULTI-MEDIA CIVIL JUDICIAL REFERRALS**

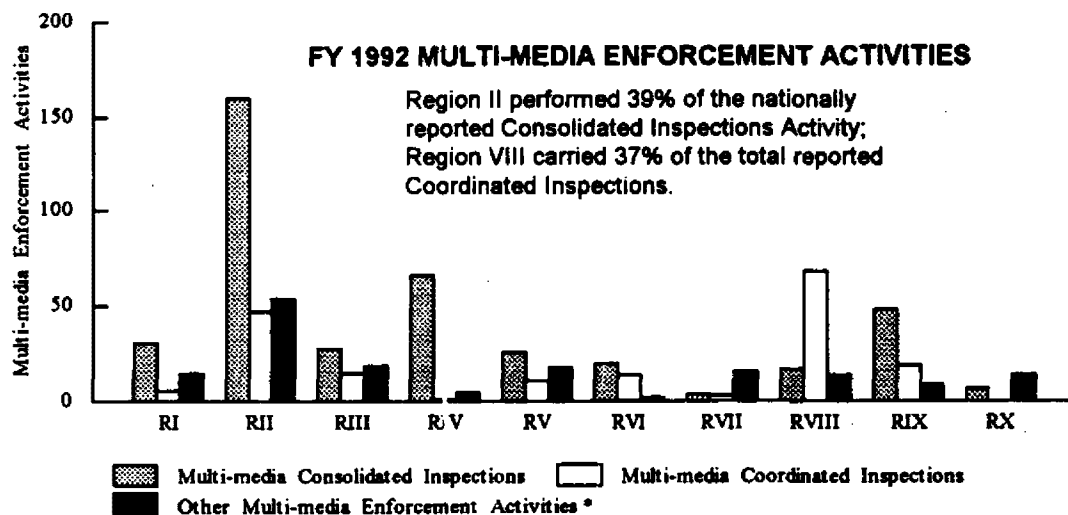
Civil judicial referrals include both consolidated referrals and coordinated referrals. A consolidated referral is one in which: at least two discrete environmental problems from different programs combine to form one referral package; or, an existing judicial referral or complaint expands to include an additional violation from a different program. A coordinated referral is a separate referral package related to an existing referral or complaint; for these, the consent decree negotiations are resolved jointly although the referrals or complaints are not combined. The regions reported 44 multi-media civil judicial referrals during FY 1992.

## MULTI-MEDIA ADMINISTRATIVE OR JUDICIAL ACTIONS

Multi-media administrative and judicial actions include actions meeting the STARS criteria of the various programs - generally administrative orders. Regions recorded 68 multi-media administrative actions this year, four of these were coordinated with judicial action.

## SINGLE-MEDIA ACTIONS WITH MULTI-MEDIA SETTLEMENTS

Single-media actions with multi-media settlements include: single-media settlements with multi-media Supplemental Environmental Projects; multi-media pollution prevention projects; or, settlement provisions addressing an environmental problem under a different program not part of the original case referral. By the end of FY 1992, regions recorded 54 multi-media settlements occurring because of single-media actions.



\* Other Multi-media Enforcement Activities include Multi-media Civil Judicial Referrals, Administrative or Judicial Actions, and Single-media Actions with Multi-media Settlements.

## CIVIL ENFORCEMENT

### CONSENT DECREE REVIEW

Due to data entry problems, OE has been unable to collect accurate data for this measure during FY 1992. During FY 1991, OE reported reviewing and forwarding 75 consent decrees to the Department of Justice (DOJ) - 30% fewer than the 107 forwarded during FY 1990. The average review times for FY 1991 and FY 1990 consent decrees were 24 and 26 days, respectively.

### CONSENT DECREE TRACKING AND FOLLOW-UP

Regions report 815 active consent decrees at the end of FY 1992. Of these, the status of 597 (73%) decrees was reported and the status of 218 (27%) consent decrees was unknown or

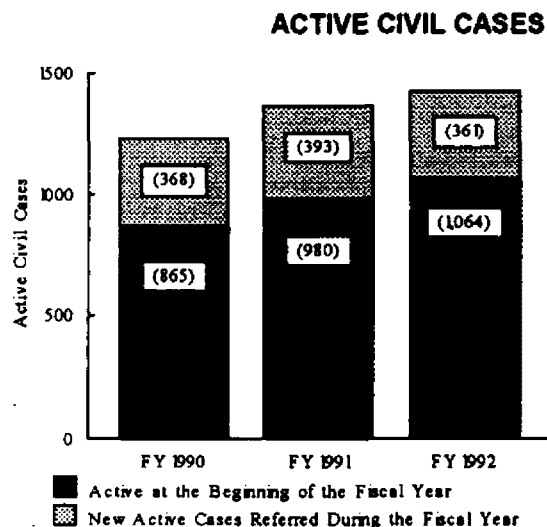
unreported. Together, Region IV and Region VI reported 153 active consent decrees at the end of fourth quarter; the status of all 153 is unknown or unreported - this accounts for 70% of the active consent decrees in the unreported or unknown category.

Of the 597 consent decrees with known status: 481 (81%) were in compliance; 76 (13%) were in violation and had an enforcement action taken; 30 (5%) were in violation and had a formal enforcement action planned; and, 10 (2%) were in violation but had no formal enforcement action planned or deemed necessary. [Percentages add to more than 100% due to rounding.]

The number of active consent decrees reported at the end of the year was almost 19% higher in FY 1992 than in FY 1991 (815 vs. 686); there were 646 active consent decrees at the close of FY 1990. The consent decree status breakout (four quarter average, compliance vs. violation) is fairly consistent over the three year period with approximately 75% of the active consent decrees in compliance.

### CIVIL REFERRALS AND FOLLOW-THROUGH ON ACTIVE CIVIL CASES

During FY 1992, the Agency referred a total of 361 new civil cases to DOJ; this total includes five HQ CAA Mobile Source case referrals. The regions referred 189 of these cases (52% of the year's total) directly to DOJ during fourth quarter. During FY 1992, the regions also referred 11 cases to HQ, initiated 84 new pre-referral negotiation cases, and referred 19 new consent decree enforcement cases. The status of FY 1992's 361 new active civil cases at the end of fourth quarter was as follows: 277 were pending at DOJ; 46 were filed in court; 4 were concluded before filing and 26 were concluded after filing. Three civil cases were returned to the regions and 5 HQ Mobile Source cases are not tracked in the Enforcement Docket. EPA referred 393 new civil cases to DOJ in FY 1991, and 368 during FY 1990.



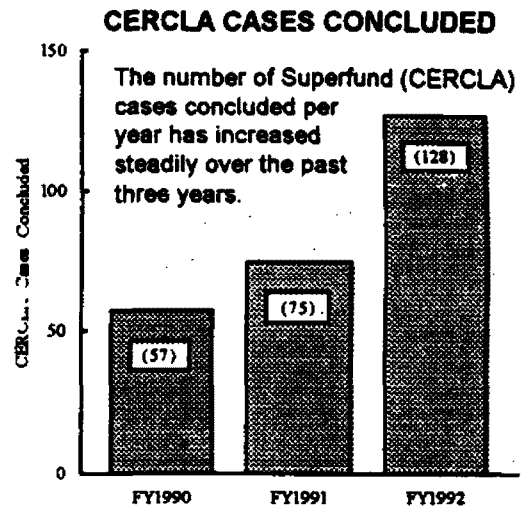
The active civil case load has increased steadily over the past three years despite the marginal decline in new case referrals. Three hundred eleven of the cases active during FY 1992 have been ongoing for more than two years since filing.

At the end of FY 1992, the docket listed 1,064 civil cases active (not concluded) at the start of FY 1992; in FY 1991, the number was 980 and, in FY 1990, it was 865. The status of the 1,064 cases at the end of fourth quarter was as follows: 209 were pending at DOJ; 51 were returned to the regions; 52 were concluded before filing; 565 were filed in court; and, 187 were concluded after filing. Of the 1,064 active pre-FY 1992 cases, 311 have been ongoing for more than two years since first filed.

## CONCLUSION OF CIVIL CASES

On average, 741 days (approximately 24 months) elapsed between filing and disposition of the 165 civil cases concluded in FY 1992 with consent decree or litigation (Pre-referral Negotiation (PRN) cases are not included in the average). The average for FY 1991 was almost identical with 742 days on average over, again, 165 cases; the average for FY 1990 was 508 days (approximately 16 months) over 149 civil cases.

One hundred twenty-eight Superfund (CERCLA) cases were concluded during FY 1992. The number of CERCLA cases concluded in FY 1991 and FY 1990 was, respectively, 75 and 57.



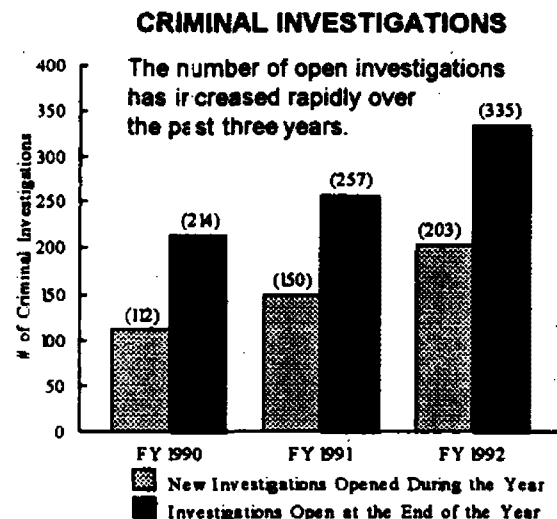
## CRIMINAL ENFORCEMENT

### CRIMINAL REFERRALS AND ACTIVE CRIMINAL CASE FOLLOW-THROUGH

There were 75 new criminal investigations opened during fourth quarter of FY 1992 bringing the year to date total to 203. At the end of fourth quarter one year ago, 150 new criminal investigations had been opened; during FY 1990, 112 new investigations were opened. There were a total of 335 criminal investigations open at the end of FY 1992.

The regions referred 37 new cases to HQ during fourth quarter (for a year's total of 106) and closed an additional 54 investigations before referral. HQ referred 41 new cases to DOJ for a FY 1992 total of 107 criminal case referrals to DOJ. The end of year status of the 107 new criminal cases referred to DOJ is as follows: 39 cases were under review at DOJ, 44 were undergoing a grand jury investigation, and charges were filed in 14 cases; 5 cases closed following prosecution and DOJ closed 5 other cases without prosecution. During FY 1991, the Agency referred a total of 81 new criminal cases to DOJ; during FY 1990, the total was 65.

One hundred fifty-six criminal cases were referred, but not closed, at the end of FY 1991; the number was 126 at the end of FY1990 and 107 at the end of FY 1989. The status of the



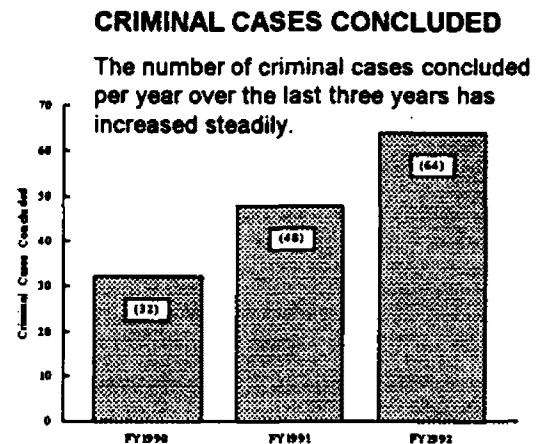
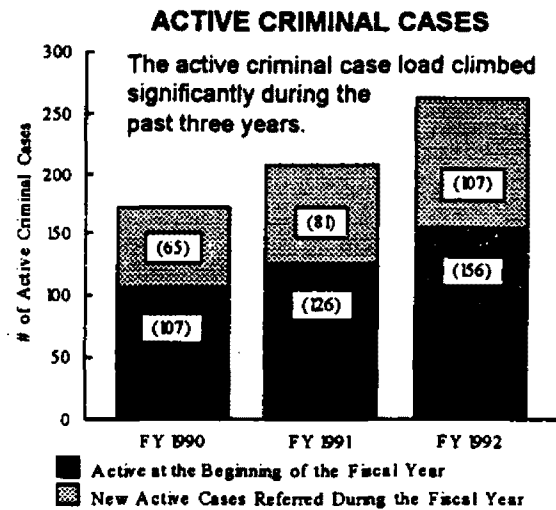


pre-FY 1992 active criminal cases at the end of FY 1992 was as follows: 6 of the cases were under review at DOJ, 45 were undergoing grand jury investigation, 50 had charges filed, 43 closed following prosecution, and DOJ closed 12 cases without prosecution.

### CONCLUSION OF CRIMINAL CASES

OE reported that 64 criminal cases were concluded during FY 1992 (55 of these were referred under the CWA/SDWA or RCRA) with 61 of the cases resulting in the conviction of defendants. The 64 cases involved charges against 107 defendants; 99 of the defendants were convicted (44 were sentenced to incarceration) and 8 were acquitted or had charges dismissed. Cumulatively, the 99 convicted defendants were assessed almost \$63 million in fines before suspensions.

During FY 1992, the average time from referral to DOJ (the date of the first defendant's indictment or information) until charges were filed was 13.3 months; this is up from 9.9 months in FY 1991, but below the 14 month average of FY 1990. The time elapsed from opening a criminal investigation to referral to the Office of Criminal Enforcement has remained consistent over the past three years with an FY 1992 average of 5.6 months.



### OFFICE OF FEDERAL FACILITIES ENFORCEMENT (OFFE)

During third quarter, the regions concluded 150 federal facility inspections and detected 37 violations for a quarterly violation rate of 25%. Twenty-nine enforcement actions were taken against federal facilities during the quarter. The totals cited are incomplete in that Regions II, III, and V did not report third quarter data in time for this report.

#### LAGGED DATA

The Office of Federal Facilities Enforcement's compliance data lags by one quarter; this report provides information through third quarter of FY 1992. End of year data will be reported during first quarter, FY 1993.



## OFFICE OF GENERAL COUNSEL

### INTRODUCTION

The Office of General Counsel (OGC) reports one measure in STARS; it expresses workload and timeliness in the completion of legal (Red Border) evaluation and review.

### RESPONSE TO RED BORDER REVIEW DOCUMENTS

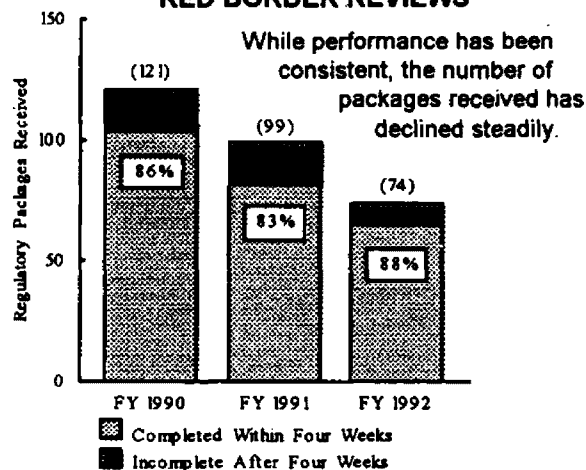
OGC received 24 Red Border packages during fourth quarter, FY 1992. Of these, the Office completed 20 reviews (83%) within three weeks of receipt and four additional reviews (100% of total packages received) in the fourth week following receipt.

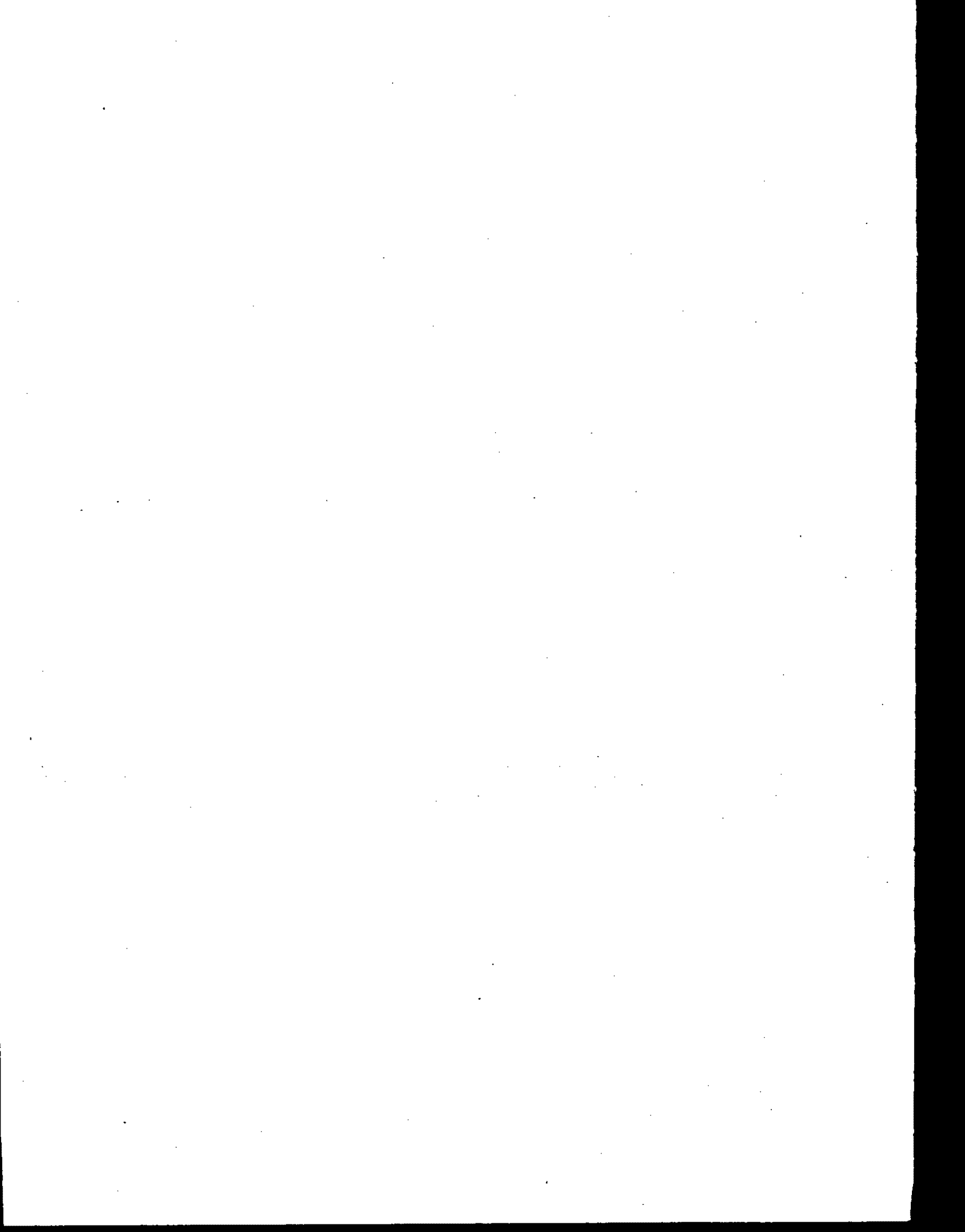
FY 1992	Regulatory Packages Received	Completed within three weeks (#/%)	Completed within four weeks (#/%)	Incomplete after four weeks (#)	Non Concurrence (#)
1st Qtr.	18	8/44%	12/67%	6	0
2nd Qtr.	18	10/56%	17/94%	1	0
3rd Qtr.	14	9/64%	12/86%	2	0
4th Qtr.	24	20/83%	24/100%	0	0
FY 1992 (total)	74	47/64%	65/88%	9	0

FY 1991 (total)	99	65/66%	82/83%	17	0
FY 1990 (total)	121	83/68%	104/86%	17	0

Over the past three years, the number of regulatory packages received by OGC for review has declined by 20% per year. Timeliness in completing regulatory package reviews (expressed as a percent of total received) has been consistent over the period. OGC has generally attributed Red Border review delays beyond the four week period to the length and complexity of specific regulations.

### RED BORDER REVIEWS





## OFFICE OF PREVENTION, PESTICIDES, AND TOXIC SUBSTANCES

### INTRODUCTION

The Office of Prevention, Pesticides, and Toxic Substances (OPPTS) expresses priorities through two distinct strategic plans: one for the Office of Pesticide Programs (OPP) and one for the Office of Pollution Prevention and Toxics (OPPT). The OPP and OPPT strategic plans incorporate strategies specific to the Office of Compliance Monitoring (OCM). The most current drafts of these plans date January, 1992.

### OFFICE OF POLLUTION PREVENTION AND TOXICS

OPPT is focusing on four priority areas: development and integration of multi-media pollution prevention approaches to environmental protection; better utilization of the authorities granted by the Toxic Substances Control Act (TSCA), coupled with a balanced regulatory and non-regulatory risk management approach; more effective sharing of toxics data and information inside and outside EPA; and, enhancement of regional and state roles.

### EXISTING CHEMICALS (EC)

Under TSCA, OPPT ensures that chemicals in commerce do not present "unreasonable risk of injury to health or the environment." OPPT uses a Risk Management (RM) process to evaluate the potential risk posed by existing chemicals and to find the appropriate response.

The first stage of the Risk Management process (RM1) produced decisions to drop six cases from the RM process (Epichlorohydrin (ECH), Glycol Ethers, Metal Cutting Fluids, Polyacrylamide, MEK/MIBK, and Lead Encapsulants). Aerosol Paints moved into the queue for stage two of the RM process (RM2). During FY 1992, a total of 33 cases completed RM1; of these, 5 cases entered the queue for RM2.

Five chemical cases completed RM2 during FY 1992; in FY 1991, only one case completed the process. During fourth quarter, Chloroethane and Phosphoric Acid Waste Products exited RM2; risk management measures are being implemented. In addition, during FY 1992, the Agency published a Section 6 Notice of Proposed Rulemaking for Acrylamide and N-methylolacrylamide grouts and a Section 4(f) designation for Refracted Ceramic Fibers (RCF) in the Federal Register and the gold mining industry began implementing voluntary risk management options for Sodium Cyanide.

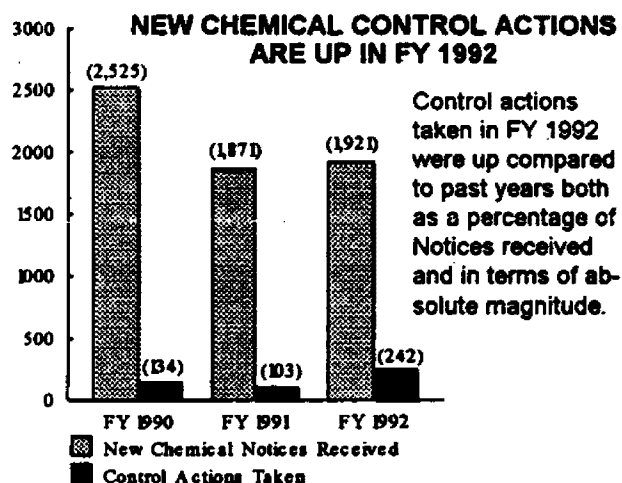
### NEW CHEMICALS

Authorized by TSCA, OPPT's objective is to review all new chemicals and apply risk management as necessary to prevent unreasonable risk. During fourth quarter, OPPT received 470 valid new chemical notices (OPPT received 379 notices in fourth quarter one

year ago). Of these, there were 355 Premanufacture Notices (PMNs) and 115 exemption applications (i.e., 42 applications for polymer exemption, 71 for low volume exemption, and 2 for test market exemption); there were no biotech notices. The Office targeted 46 of the new chemical notices for regulatory review or action.

OPPT took 131 control actions during fourth quarter. The Office issued Section 5(e) Consent Orders for 11 PMNs and modified or revoked Consent Orders for 10 others. Ten PMNs were withdrawn in the face of regulatory action. In addition, OPPT obtained a waiver from OMB from the Regulatory Moratorium provisions for new chemical significant new use rules (SNURS); the Office promulgated 100 SNURS during the final quarter of FY 1992. Three hundred one new chemical notices were dropped from further review during the year.

OPPT received a total of 1,921 valid new chemical notices during FY 1992, including 1,455 PMNs. The Office took a total of 242 control actions during the year; this number is up significantly from the 103 and 134 control actions recorded, respectively, during FY 1991 and FY 1990. The number includes: withdrawal of 72 PMNs in the face of regulatory action; issuance, modification, or revocation of 69 Consent Orders; and, promulgation of 101 SNURS. OPPT dropped 1,297 new chemical notices from further review without control action during FY 1992.



During fourth quarter, 237 of the PMNs received (67% of the PMNs received) contained voluntary reports on pollution prevention practices and activities. For FY 1992, 1,048 of the PMNs received (72% of the total) contained voluntary pollution prevention reports.

## MASTER TESTING LIST ACTIVITY

OPPT provided an account of chemical testing for the year at the end of fourth quarter. TSCA Section 4 actions require testing on substances or mixtures to develop data with respect to health and environmental effects where there is insufficient data and experience to decide whether the substance or mixture present an unreasonable risk of injury to health or the environment. During FY 1992, OPPT conducted 14 Section 4 tests involving 2 substances. The Office also conducted 100 chemical tests as a result of EPA non-regulatory action. These included emission testing for Total Volatile Organic Chemicals (TVOCs) and the testing of product samples for 70 carpet products and 15 adhesive products.

## POLLUTION PREVENTION AND THE 33/50 PROJECT

The 33/50 Project started in 1991. It is a voluntary, direct action program that creates a partnership among government, industry, and communities. The goal of the 33/50 Project is

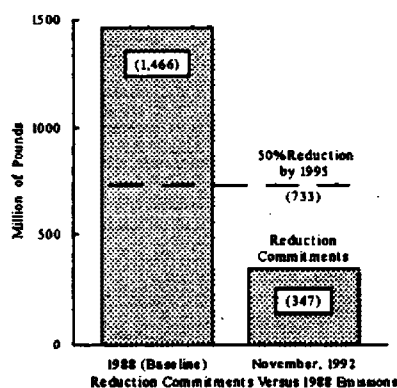
to reduce releases and transfers of 17 highly toxic, high-priority chemicals 33% by the end of 1992 and 50% by 1995. EPA chose these chemicals because they pose environmental and health concerns, they are high-volume industrial chemicals, and they can be reduced through pollution prevention. The reductions will be measured against a baseline of releases and transfers reported to the Toxic Release Inventory in 1988.

At EPA, pollution prevention is the preferred choice for environmental protection. Pollution prevention means source reduction as defined under the Pollution Prevention Act. This includes any practice that: reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) before recycling, treatment, or disposal; reduces the hazards to public health and the environment associated with the release of substances, pollutants, or contaminants. In asking over 7,600 companies to join the program, EPA stressed the benefits of pollution prevention: community health protection, competitive advantage from reducing product loss and waste disposal expenses, potential avoidance of future liabilities and regulatory requirements by eliminating waste, and improved community relations and employee pride.

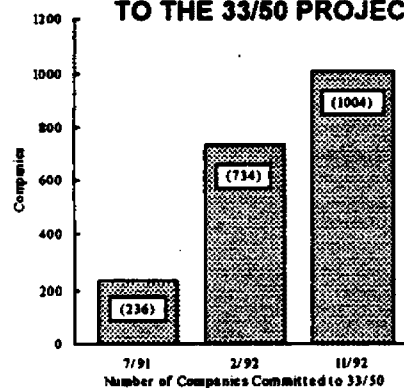
### 33/50 CHEMICALS

Nickel and Compounds  
Chloroform  
Benzene  
Tetrachloroethylene  
Methyl isobutyl ketone  
Trichloroethylene  
Lead and Compounds  
Chromium and Compounds  
Methylene chloride  
Methyl ethyl ketone  
Trichloroethane  
Xylenes  
Toluene  
Mercury and Compounds  
Cadmium and Compounds  
Carbon tetrachloride  
Cyanides

### 33/50 REDUCTION COMMITMENTS



### NUMBER OF COMMITMENTS TO THE 33/50 PROJECT



Through the 33/50 Project, the Agency has opened new channels of communication and prompted action in industry. By November of 1992, more than 1,000 companies had committed to the 33/50 Project. These commitments add up to a projected reduction of about 350 million pounds of toxic pollutants by 1995. Many companies have gone beyond the basic program, extending their commitments to cover overseas facilities and additional chemicals or developing comprehensive pollution prevention management plans. Several EPA regional offices are also working to reduce emissions of chemicals beyond the original 33/50 list and of special concern in their communities.

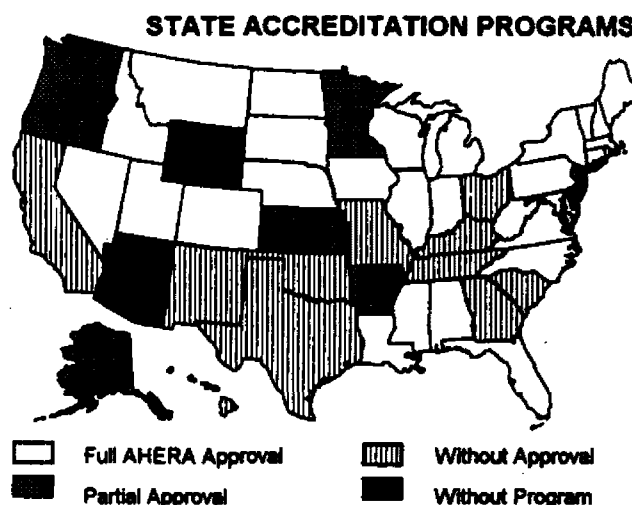
## STATE AND REGIONAL ENHANCEMENT

OPPT is seeking to increase state administrative capacity for current asbestos and PCB activities (First Generation Chemical Programs). The program also will rely heavily on regional involvement in carrying out Second Generation Chemical Programs (e.g., TRI, 33/50, and components of the Lead (Pb) Strategy).

### Asbestos Abatement

These measures provide feedback on OPPT efforts to enhance worker safety by requiring proper training and accreditation of personnel performing asbestos inspections and abatement actions. Through course audits, regional representatives ensure that asbestos training programs meet EPA Model Accreditation Plan criteria.

Currently, 48 states have some type of accreditation program for asbestos abatement professionals. Twenty-nine of those states have accreditation programs that EPA has fully approved across all disciplines; eight additional states have programs that EPA has partially approved in one or more disciplines. During FY 1992, four states joined the list of states with fully accredited programs: Maryland, Nevada, New Hampshire, and Vermont. Only Wyoming and Arizona have no accreditation programs.



Regions actively continue to encourage state participation in asbestos enforcement, decentralization, and accreditation activities. Major successes have occurred in developing asbestos accreditation programs: EPA granted full accreditation to 15 states during the past two years. A barrier to full asbestos program decentralization in several regions is the unwillingness of states to incur major financial liability for such programs coupled with limited and uncertain federal funding. In most states, a comprehensive asbestos program would not be able to rely on penalty generated revenue since these revenues are almost always funnelled directly into a state general fund.

### Regional 33/50 And Toxic Release Inventory (TRI) Activities

The objective of this narrative measure is to highlight regional 33/50 and TRI activities; every region (except RIV) reported activities in this area during FY 1992. TRI workshops and industry outreach have been a major theme in most regions this year. Efforts to publicize innovative and creative ways of using and accessing TRI data include a newsletter in RIII and public presentations in a number of regions. Pollution prevention was a topic on many TRI workshop agendas this year; the regions devoted considerable effort in introducing, distributing, and explaining the new Form R reporting package.



Sessions on 33/50 were incorporated widely into TRI workshops. There were presentations, conferences, workshops, and meetings throughout the regions devoted exclusively to 33/50, as well; many of these resulted from collaborative efforts between regions, between regions and states, and between regions, states, and industry. All regions report actively soliciting 33/50 commitments along with receiving and responding to many inquiries from facilities and corporations about 33/50 and pollution prevention. Most regions have developed and are working with a network of state coordinators to help steer 33/50 efforts. Some regions report pursuing a geographic focus in their efforts to obtain 33/50 commitments and some are obtaining commitments beyond the 33/50 chemicals to cover the broader range of TRI.

### Regional Initiatives And Outreach Activities

This optional narrative measure provides regions an opportunity to highlight regional initiatives and innovative regional projects. Each region (except RIV) used this measure over the course of the year. By region, the following captures some of the year's highlights:

#### **FY 1992 REGIONAL INITIATIVES AND OUTREACH ACTIVITIES**

**Region I** developed a draft Pb strategy focusing on reducing the risk associated with lead exposure in the urban environment. The Region and the State of Rhode Island coordinated the First Northeast Regional Asbestos Reciprocity Workshop and other meetings are planned; these meetings may establish a foundation for implementing Pb accreditation issues as well as the Asbestos worker issue. Region I, along with industry, co-sponsored a "How to Clean Green" Dry-cleaning and the Environment conference. The PCB program implemented a targeting mechanism for Public and Commercial buildings; the approach resulted in a 60% non-compliance rate for facilities inspected. Two outreach workshops were conducted on the new and existing chemicals programs under TSCA with HQ representatives participating.

**Region II** is conducting a multi-media environmental initiative for the Catano area in Puerto Rico; it will address numerous local concerns, assess quality of the ambient environment, establish a baseline for ambient air quality, and provide a multi-media risk screen for the area. The Region plans to continue its pilot enforcement program (under which the Region can both issue and close Civil Administrative Complaints) as an ongoing component of TSCA/EPCRA enforcement; the program has been very successful and a number of other regions are inquiring about the pilot.

**Region III** is working with HQ Public Data Branch to develop a Public Outreach Model with Pennsylvania as a pilot; the pilot will produce a documented system that the State can use in promoting and using TRI; a tangible result of this

effort is the "TRI Connection: Reachout PA" newsletter the Region forwarded to HQ for publication and distribution. The first Region III/State TSCA/CAA Asbestos Integration Conference was held; attendees included AHERA and NESHAP representatives. The Region's Cross-Media Enforcement Task Force uses TRI data to identify potential multi-media inspection targets; over a dozen target sites have been identified. Regional EPCRA inspectors attended a 3-day Pollution Prevention Workshop conducted under the auspices of the Region's Office to Pollution Prevention.

**Region V** has gathered information on the status of the in-house PCB phase-out programs of approximately 70% of the utilities identified in the Great Lakes Basin. Representatives of interested utilities met with the Region to discuss a voluntary phaseout program; the resultant program will be presented to all Region V utilities within the Great Lakes Basin. The voluntary program aims to eliminate PCBs from the Region's Great Lakes Basin facilities by the year 2000.

**Region VI's** Toxics Section PCB Group has developed and is distributing a guide aimed at building owners, fire departments, electrical transformer owners and other users within the Region regarding PCB transformers and the risk of fire. The Region also reports conducting inspections along the U.S./Mexican Border; the inspections include TSCA PCB inspections along with education on TSCA regulations for border inspectors.

(continued)

Region VII conducted four PCB outreach presentations during fourth quarter. The Region also presented PCB information to the annual meeting of the Missouri Association of Electric Cooperatives.

Region VIII conducted multi-media inspections involving EPCRA and TSCA personnel at three fuel oil refineries in North Dakota and Colorado, a rubber processing plant in Utah, a steel fabrication shop, and a Metropolitan Water Treatment facility.

Region IX is working on a geographic targeting program for facilities in "zones" of the greatest concentration of Region IX TRI releases; the program will aim at source reduction for all TRI chemicals within selected zones. The Region is also targeting outreach activities in an effort to raise public awareness to the risks of Toxics in the

environment; raising public awareness served as the primary theme for the FY 1992 Region IX/States Toxics Conference.

Region X Toxics staff are working with Pollution Prevention staff on the Green Lights Program. The specific area of involvement has been in addressing the problem created by the huge numbers of PCB light ballasts now being disposed of in municipal landfills as a direct byproduct of the switch to more efficient lighting induced by Green Lights. Because of the way PCB regulations address small capacitors, large facilities changing out ballasts can send even thousands of pounds of PCBs to landfills (where it is not prohibited locally). The Region is attempting to develop a pilot ballast disposal program in cooperation with states, localities, BPA, and utilities.

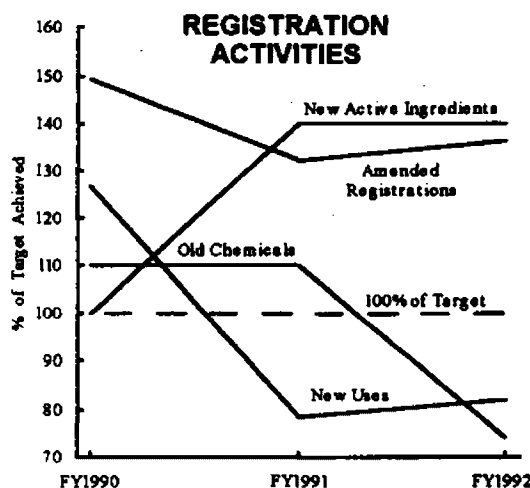
## OFFICE OF PESTICIDE PROGRAMS

Risk reduction and pollution prevention are major strategies for OPP. OPP is focusing efforts in four priority areas: food safety; safer pesticides; pesticide exposure and environmental burden reductions; and, field operations. The program is also seeking to maximize productivity across the board.

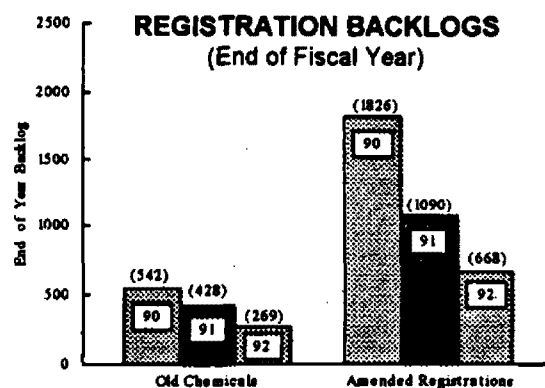
### FOOD SAFETY AND SAFER PESTICIDES

#### Registration Activities

OPP focuses registration activities measures on maximizing productivity under the auspices of FIFRA. These measures represent a significant portion of OPP HQ activities. During FY 1992, OPP made the following final decisions to register a new chemical or biological, or to amend or add a new use for an existing chemical: 1,014 old chemical final decisions against a target of 1,375; 3,398 amended registration applications exceeding a target of 2,500; and, 41 new use application decisions against a target of 50. The Office registered 14 new active ingredients during the year against a target of 10. Registration activity performance between FY 1991 and FY 1992 is quite consistent except for old chemicals where the absolute number of final decisions (1,014 vs. 1,566) is down by 35% in FY 1992.



The number of actions pending (backlog) at the end of the year for old chemicals and for amended registrations is down significantly compared to the previous two years. At the end of FY 1992, there were 269 old chemical final decisions pending (37% lower than at the end of FY 1991) and 668 amended registration actions pending (39% lower than FY 1991). There were 133 new use actions overdue at the end of FY 1992; FY 1991 and FY 1990 each ended with 104.

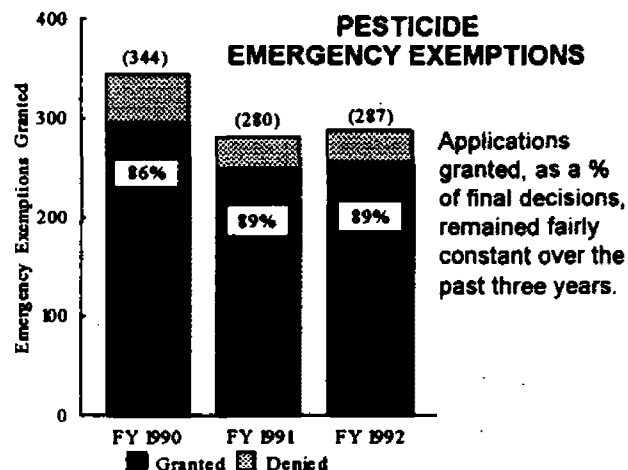


### Pesticide Tolerance Petitions

A tolerance petition decision applies to all requests for a tolerance level or exemption from requirement of a tolerance level for pesticide residue in or on raw agricultural commodities, processed foods, or for minor uses. OPP made final decisions on 15 tolerance petitions against a target of 16 during fourth quarter. Cumulatively, OPP completed 62 final decisions on tolerance petitions during FY 1992 against a target of 50.

### Emergency Exemptions For Pesticides

A federal or state agency grants an emergency exemption if EPA determines that emergency conditions exist (e.g., a pest outbreak is identified and an effective pesticide is not registered for that use). During fourth quarter, OPP made 75 final decisions: the Office granted 59 exemptions (79%) and denied 16. OPP granted 254 (89% of the decisions made) and denied 33 emergency exemptions applications during FY 1992.



### Pesticide Special Reviews

A Special Review is a review of an active ingredient for which data show a potential for unreasonable adverse effects on public health or the environment. In FY 1992, OPP completed ten special reviews against a cumulative target of eight; the program has consistently met or surpassed its target for special reviews over the past three years (15 against a target of 13 in FY 1991 and 10 against 10 in FY 1990). During fourth quarter, OPP reported completing four special reviews:

#### 2,4-D

Negotiated agreement. In September, 1992, EPA, the State of California, and registrants agreed to risk reduction measures for 2,4-D including label amendments and educational programs. The label

revisions include requirements for additional protective clothing, revision of directions for use, addition of hygiene statements, and (field) reentry restrictions.

#### TELONE (1,3-dichloropropene)

Negotiated settlement. In September, 1992, EPA and the registrant agreed to risk reduction measures for Telone. The measures aim at lowering exposure through, for example, lower application rates, the use of closed loading systems, and the use of devices to prevent spillage.

#### AMITROLE (3-amino-1,2,4-triazole)

Preliminary Determination To Terminate Special Review (FR 57:46448). This notice (9/92) announced the proposed decision to terminate the Special Review of Amitrole. Since the Agency initiated the Review in 1984, has taken actions to reduce worker exposure; in addition, the registrant voluntarily canceled homeowner uses. As a result of the exposure reduction measures, the risks from Amitrole no longer exceed the benefits.

#### DAMINOZIDE (2,2-dimethylhydrazine)

Notice of Final Determination for Non-Food Uses and Termination of the Daminozide Special Review (FR 57:46436). This notice (9/92) concluded the Special Review of the non-food uses of Daminozide and announced the Agency's decision to retain these registrations without requiring modification to the label.

## REDUCING EXPOSURE AND ENVIRONMENTAL BURDEN

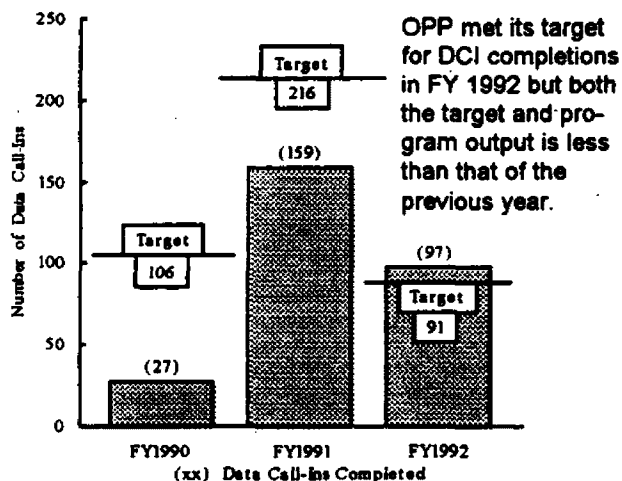
In 1988, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) amendments mandated an accelerated reregistration process for currently registered pesticides. This process is to be carried out in five phases over a nine year period. OPP's reregistration activities are an integral part of its strategic objectives: food safety, worker protection, reduction of ecological risks, protection of ground water, protection of endangered species and their habitats, and pollution prevention.

### Data-Call-Ins (DCIs)

As part of the reregistration process, OPP reviews information submitted to support current registration of pesticide chemical cases for adequacy based on Pesticide Health Assessment Guidelines. Inadequate submissions must be resubmitted to the Agency in response to a DCI. During fourth quarter, OPP completed 58 DCIs (13 were follow-up DCIs) bringing the year's total to 97 against a cumulative target of 91; the Office forwarded all 9 DCIs to registrants.

The program exceeded its FY 1992 target for DCI completions by 7%; this is the first time OPP met the DCI target in the past three years. In FY 1991, OPP completed 74% of its target (159 DCIs against 216) and, in FY 1990, 25% of the target was met (27 completions against a target of 106).

DATA CALL-INS COMPLETED

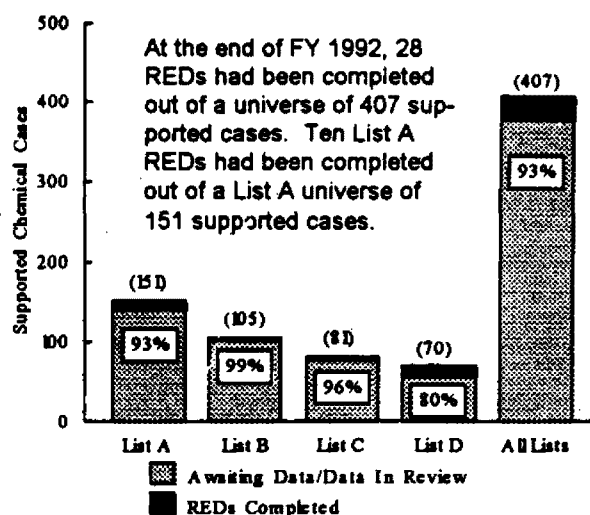


### Reregistration Eligibility Documents (Reds)

The reregistration process requires a determination of reregistration eligibility for each pesticide chemical case that has satisfied all FIFRA, section 4(g)(2)(A) requirements addressing health and ecological risk factors.

At the end of FY 1992, the universe of registrant supported cases requiring review was 407. Congress has mandated that EPA complete these reviews by the end of 1997; to date, the Agency has issued 28 REDs. Of the 28 REDs completed, 10 have been from List A; pesticides on this list have the highest priority for reregistration review.

#### CURRENT STATUS OF REREGISTRATION



#### WHAT ARE PESTICIDE LISTS A, B, C, D?

- |               |  |
|---------------|--|
| <b>List A</b> | The List A pesticides are primarily food use chemicals. They include approximately 80% of the total volume of food use pesticides subject to reregistration. |
| <b>List B</b> | List B contains less significant food use pesticides, outdoor non-food use and indoor use pesticides.  |
| <b>List C</b> | List C contains antimicrobials including disinfectants and wood preservatives.   |
| <b>List D</b> | List D contains other outdoor and indoor uses, antimicrobials, and microbial pesticides.   |

During FY 1992, OPP completed a total of 15 REDs against a target of 16; in FY 1991, the office completed 13 REDs against a target of 15. The Office has targeted an additional 20 REDs for completion in FY 1993. While completion of REDs has been measuring up well to annual goals, the 1995 deadline for reviewing all 407 supported chemical cases is looking increasingly unrealistic.

During fourth quarter, OPP completed 10 REDs against a target of 9. The Office published REDs or took appropriate regulatory action for the following chemicals:

RED Name (Chemical)	List	Total # of Chemicals Covered	Total # of Products Covered
Streptomycin	A	2	26
Chlorinated Isocyanurates	A	5	741
IBA	B	1	31
Coco-Alkylamine	C	1	3
Ethylene	C	1	8

(continued)

(continued)

RED Name (Chemical)	List	Total # of Chemicals Covered	Total # of Products Covered
Bone Oil	C	1	2
Zinc Salt	D	2	7
Sodium Hydroxide	D	1	9
Soap Salts	D	2	25
Nosema Locustae	D	1	6

## FIELD OPERATIONS

A goal of OPP is to enhance regional, state, territorial, and tribal capacity. The primary objective under this goal is to decentralize program activities that directly impact regions, states, territories, and tribes. The program office and the regions have developed a series of activity measures showing progress toward achieving this objective. These measures address worker exposure, ground water protection, and certification and training programs.

### Reducing Exposure And Environmental Burden

Successful implementation of regional and state programs relies on training. Regions report the incorporation of new and updated training materials and competency standards for state, territory, and tribe ground water, endangered species, and worker protection programs.

At the end of fourth quarter, regions reported that 49 states (plus the District of Columbia and Puerto Rico), 1 territory, and 1 federally recognized tribe had applicator training programs that include information on worker protection, endangered species, and ground water initiatives.

During FY 1992, measures reporting the number of worker protection programs submitted, approved, and implemented were contingent upon publication of final worker protection standards. The Agency published the revised Worker Protection Standard in the Federal Register on August 21, 1992; worker protection program data will be available in FY 1993.

### Pollution Prevention (Ground Water Protection)

During FY 1992, all states, Puerto Rico, the District of Columbia, 5 territories, and 4 tribes accepted federal funds for ground water protection activities including aquifer vulnerability assessments and outreach programs to industry and communities. At the end of fourth quarter, regions reported that 48 states, 1 territory, and 8 federally recognized tribes were developing generic pesticide and ground water management plans.

Measures reporting the number of ground water management plans submitted for review and approved by EPA are contingent upon issuance of the Pesticides State Management Plan Guidance, which is an element of the Pesticide and Ground Water Strategy.

## OFFICE OF COMPLIANCE MONITORING

During FY 1992, the regions and Headquarters (HQ) settled 161 cases that had environmentally beneficial expenditures (EBEs) included among the settlement conditions. In FY 1991, the first year that OCM reported EBEs in STARS, the regions and HQ settled 136 cases that included EBEs. In FY 1992, there were 74 TSCA cases, 71 EPCRA cases, and 16 FIFRA cases. The ratio of the cost to the respondent versus the associated penalty reduction was approximately 6 to 1 for both TSCA and EPCRA, and 2 to 1 for FIFRA. Of the 231 individual settlement terms identified as EBEs, 58 related to disposal activities and 73 related to source reduction (pollution prevention).

### FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

#### Inspections And Compliance Levels (State Data Is Lagged One Quarter)

Through third quarter, FY 1992, states completed 21,522 use and restricted use inspections. They completed 133% of their state grant targets. At the same time in FY 1991 they had completed 152% of their target and, in FY 1990, 199% of their target.

Through fourth quarter, FY 1992, Regions VII and VIII (the only regions with non-delegated programs), completed a total of 405 use and restricted use dealer inspections, achieving 134% of their target. They completed 110% of their target in FY 1991 and 105% in FY 1990.

#### Addressing Significant Noncompliance (SNC)

Regions and HQ had a total of 232 FIFRA SNC violations that were either unresolved entering FY 1992 or identified through fourth quarter of FY 1992. At the end of fourth quarter, 59 cases were issued within 180 days and 173 were issued beyond 180 days. One hundred six cases were closed by the end of FY 1992. [Note: All SNCs are listed together (current & previous years) and they are not targeted.]

#### Enforcement Activity

In FY 1992, the regions issued 311 administrative complaints compared to 299 in FY 1991 and 402 in FY 1990. Eleven FIFRA criminal cases were referred to DOJ in FY 1992 compared to 2 in FY 1991 and 1 in FY 1990. In FY 1992, 6 civil cases were referred to DOJ compared to one in FY 1991 and five in FY 1990.

### TOXIC SUBSTANCES CONTROL ACT (TSCA)

#### Inspections And Compliance Levels

In FY 1992, the regions and HQ completed 1,734 TSCA compliance inspections, achieving 103% of their annual target. They achieved 114% of their target in FY 1991 and 110% in

FY 1990. States with inspection grants conducted 2,179 inspections, or 107% of target, in FY 1992; they achieved 90% of target in FY 1991 and 101% in FY 1990.

#### Response To Significant Noncompliance

The regions and HQ had a total of 524 TSCA violations that were either unresolved entering FY 1992 or identified through fourth quarter of FY 1992. At the end of fourth quarter, 129 actions were issued within 180 days and 395 issued beyond 180 days. One hundred seventy-two were closed by the end of FY 1992. For Federal Facility SNC's, 31 violations were outstanding at the end of fourth quarter; 15 were issued within 180 days and 16 beyond 180 days. Fifteen cases were closed by the end of fourth quarter. [Note: All SNCs are listed together (current & previous years) and they are not targeted.]

#### Enforcement Activity

In FY 1992, the regions and HQ issued a total of 355 TSCA administrative complaints compared to 424 in FY 1991 and 531 in FY 1990. Nine civil cases were referred to DOJ in FY 1992 compared to 12 in FY 1991 and 6 in FY 1990. In FY 1992, 4 criminal cases were referred to DOJ compared to 3 in FY 1991 and 4 in FY 1990.

### **EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)**

#### Inspections And Compliance Levels

In FY 1992, the regions completed 774 EPCRA inspections achieving 130% of their target. The regions completed 110% of their target in FY 1991, and 106% in FY 1990.

#### Response To Significant Noncompliance

The regions and HQ had a total of 293 EPCRA SNC violations that were either unresolved entering FY 1992 or identified through the end of fourth quarter. At the end of fourth quarter, 95 cases were issued within 180 days and 198 issued beyond 180 days. One hundred forty-three were closed by the end of the year.

#### Enforcement Activity

In FY 1992, the Regions and HQ issued 134 EPCRA administrative complaints. In FY 1991, they issued 179 administrative complaints and, in FY 1990, 206 were issued.



## OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

### INTRODUCTION

The Office of Solid Waste and Emergency Response's mission is to protect human health and the environment from unacceptable risks posed by solid and hazardous wastes as well as the release of oil and chemicals into the environment. This report organizes OSWER's progress by environmental problem area:

- Solid Waste,
- Hazardous Waste,
- Superfund,
- Accidental Releases, and
- Oil,

with associated goals and objectives from the OSWER Strategic Plan.

#### OSWER MAJOR PROGRAM OBJECTIVES

1. Minimize the quantity and toxicity of waste created by commercial, domestic and governmental activities;
2. Ensure environmentally sound management of solid and hazardous wastes;
3. Prevent harmful releases of oil and hazardous substances into the environment; and
4. Prepare for and respond in a timely and effective manner to releases of hazardous materials into the environment.

### SOLID WASTE

#### MINIMIZE THE QUANTITY AND TOXICITY OF WASTE

##### Increase Source Reduction Activities

OSWER has been working with Public Private Partnerships to promote source reduction.

- In July, the Office of Solid Waste (OSW) assessed operations at the Federal Correction Facility in Petersburg, VA, looking for pollution prevention opportunities as a model for all 70 federal prisons. Ways to reduce waste were identified in cable manufacturing, wood, and solid waste.
- In August, recycling posters, jointly designed by EPA and the U.S. Postal Service (USPS), went on display in post offices across the nation to urge the public to "Reduce - Reuse - Recycle". This complemented efforts to promote recycling to children in 7,000 schools through the USPS "Wee Deliver" literacy program.
- In August, Administrator Reilly and the Edison Electric Institute announced a cooperative effort with manufacturers of lawn care equipment to reduce mower emissions and leave lawn clippings on the lawn.

### Increase Markets for Secondary Materials

OSWER has worked to stimulate demand for recyclables by the public and private sectors.

- Federal Agency Recycling and the Council on Federal Recycling and Procurement Policy were established by Executive Order 12780 (10/ 31/91) which required each federal agency to provide an affirmative procurement program to the EPA by April 30, 1992.
- In September, OSW joined the press conference of the Buy Recycled Business Alliance which includes 25 of the nation's top businesses. Their goal is to recruit 5,000 companies within two years to buy recyclables.
- Drawing on EPA technical support on the use and meaning of terms such as "environmentally friendly", the Federal Trade Commission (FTC) issued guidelines in July for industry use when making claims about the environmental attributes of their products.

#### FEDERAL AGENCY RECYCLING

In September, OSW met with OMB's Office of Federal Procurement Policy, the Federal Recycling Coordinator, and several federal agencies to:

- Provide a forum for evaluating affirmative procurement program reports submitted by federal agencies; and
- Develop a "checklist" to assist in designing and implementing programs to increase federal government purchases of products made from recycled materials.

## **ENVIRONMENTALLY SOUND MANAGEMENT**

### Appropriate Management of Industrial Wastes

Available data indicate that some industrial non-hazardous waste may present a higher potential for risk if not properly managed than other industrial non-hazardous wastes.

- Four major industries that generate non-hazardous waste have been targeted by OSW for data gathering on their waste characteristics: chemicals, primary metals, petroleum refining, and pulp and paper.

### Proper Management of Municipal Waste

Federal criteria for municipal landfills (location, design and operating standards, ground water monitoring, corrective action, closure, post-closure care, and financial assurance requirements) will apply to municipal solid waste landfills after October 9, 1993.

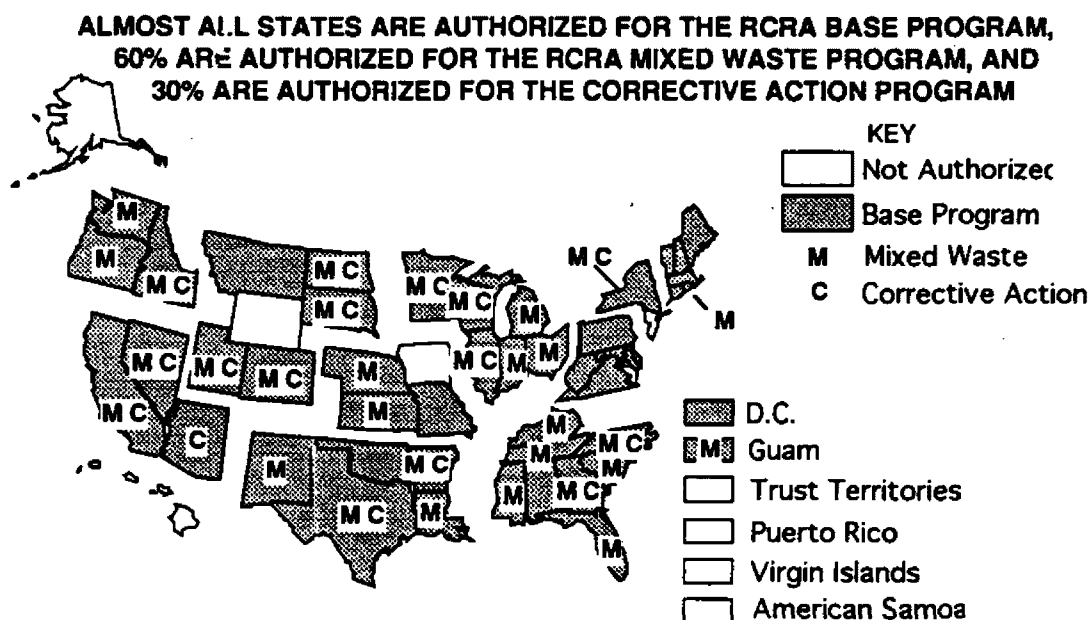
- Four states and regions (Connecticut - Region I, Virginia - Region III, Wisconsin - Region V, California - Region IX) participated in a pilot State/Tribal Implementation Rule (STIR) project which identified several ways to streamline the permit approval process.
- Virginia and Wisconsin have received tentative approval of their municipal solid waste landfill programs.

## HAZARDOUS WASTE

## ENVIRONMENTALLY SOUND MANAGEMENT

More Effective and Rational Resource Conservation and Recovery Act (RCRA) Subtitle C ProgramState Authorizations

The Agency authorizes states to manage hazardous waste programs to increase the effectiveness of state programs.

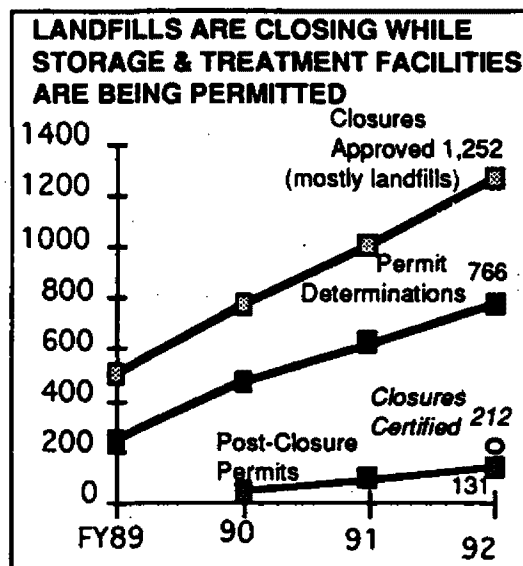


- California received final authorization for the RCRA Base, Mixed Waste and Corrective Action programs in July 1992. The *Base* program, under which the states and territories issue operating permits and approve closure plans and post-closure permits, now covers 46 states plus the District of Columbia and Guam, out of the 56 states and territories.
- About 60% (32) of the states and territories are authorized for the RCRA *Mixed Waste* program, which covers radioactive waste mixed with hazardous waste.
- About 30% (16) states are authorized for the RCRA *Corrective Action* program which gives states and territories authority to remediate hazardous waste facilities. Three states were authorized this quarter (California, Arizona, and North Dakota) joining 13 other states (New York, North Carolina, Arkansas, Wisconsin, Nevada, Idaho, Utah, Colorado, Texas, Minnesota, Illinois, Georgia, South Dakota) which were previously authorized.

### Permitting and Closure

For a universe of 5,200 treatment, storage and disposal facilities, this year the regions and states:

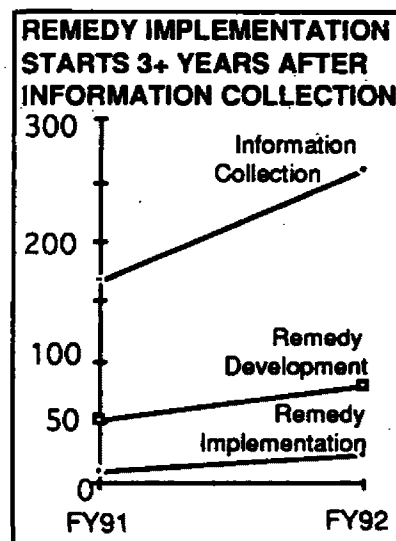
- Issued 130 permits (denying 15) and 79 permit modifications (denying three).
- Approved new closure plans for 255 facilities, and *certified closure* for 212 facilities (reported in STARS for the first time).
- Received post-closure permit Part B Application call-ins for 59 land disposal facilities; issued public notice of intent to approve/deny post-closure permits for 23 closed facilities, and issued 43 final post-closure permit determinations.
- Ranked 3,281 facilities for environmental priority (high, medium, low). Ranking helps identify those facilities which need attention first.
- Certified that 175 owners/operators of boiler-and-industrial furnaces, including 40 cement facilities, either had completed emissions testing to document compliance with standards, or received time extensions.



### Corrective Action

About 80% of the 5,200 RCRA facilities need corrective action. Through fourth quarter, the regions:

- Prioritized about half (2,159) under the National Corrective Action Prioritization System (high, medium, low) to determine the priority for remediating these facilities.
- Evaluated 939 facilities (almost double the 513 targeted) to determine the need for stabilization measures. These measures are to quickly stabilize emergency situations at facilities needing corrective action.
- Reported that stabilization measures were underway at 60 high-priority facilities.
- Reported the number of facilities in three stages of corrective action (see box).



**Maximize the Efficacy of the Enforcement Program**

To date, OSWER's strategy has been to maintain a strong base enforcement program. As the regulated universe becomes larger, more sophisticated approaches are needed to gain the maximum leverage from each enforcement action. Specific segments of the regulated community, or specific types of violations of regulatory requirements, are targeted for enforcement.

**RCRA ENFORCEMENT STRATEGY****Maintain Strong Base Program through:**

- Routine inspection schemes;
- Timely and appropriate enforcement response; and
- Addressing significant noncompliers.

**Use Additional Measures such as:**

- Targeting environmental problems which may not be addressed through current regulatory, statutory, or organizational framework; and
- Applying existing authorities to geographic targets in a more concerted manner to maximize environmental improvements.

**Inspections**

During FY 1992, EPA and the states (combined) performed well on yearly inspection targets, completing inspections of:

- 1,168 land disposal facilities (119% of their target of 984);
- 1,602 treatment, storage and disposal facilities (128% of the target of 1,252);
- 423 federal, state and locally owned/operated treatment, storage and disposal facilities (98% of the target of 430); and
- 6,102 hazardous waste generators as a first step for the enforcement program to provide pollution prevention technical assistance to generators.

**Addressing Significant Noncompliance (SNC)**

At the end of the year, the RCRA program reported:

- 737 handlers in SNC that are High Priority Violators, having been addressed by a formal enforcement action but not returning to full compliance; and
- 571 handlers in SNC which have not had a formal enforcement action within 135 days of an inspection, record review or other compliance monitoring event.

#### RCRA FACILITIES RETURN TO COMPLIANCE SLOWLY

Several new measures were added in FY 1991 to track the number of facilities in SNC returned to compliance. There were about 1,700 facilities in SNC (about one-third of the universe of RCRA permitted facilities) at the beginning of FY 1992 as a result of an inspection, record review, or other compliance monitoring event conducted prior to October 1, 1988. Of the facilities in SNC as of October 1, 1991 :

- Five handlers were returned to compliance without a formal enforcement action during FY 1992.
- 15 facilities in SNC had a formal enforcement action and returned to compliance with all violations which had caused them to be in SNC; and
- 36 were currently undergoing legal proceedings at the end of the year.

#### Enforcement Activity

During FY 1992, EPA:

- Referred 40 RCRA civil cases to the DOJ (compared to 34 last year); and
- Referred 52 criminal cases to the DOJ (compared to 36 last year, and 22 in FY 1990).

The states:

- Reported 10 criminal actions; and
- Reported 112 civil actions.

EPA issued 291 formal enforcement actions compared to 364 last year, and the states issued 1,390 administrative actions compared to 1,495 in FY 1991.

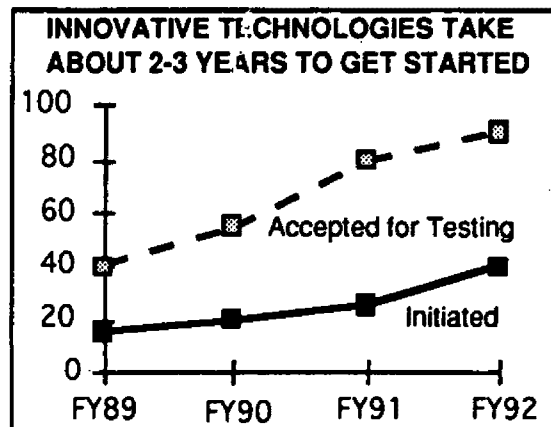
## SUPERFUND

## ENVIRONMENTALLY SOUND MANAGEMENT

Make greater use of innovative technology for site remediation and corrective action.

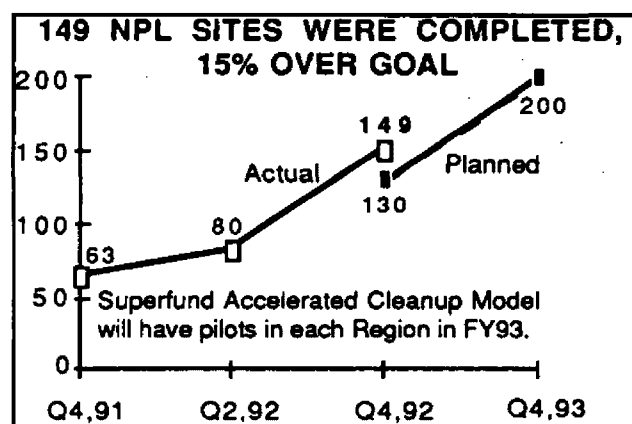
An integral part of all of OSWER's programs is the increasing application of innovative technologies for source control and ground water remediation, providing more options for greater effectiveness at lower costs. Efforts focus on improving the process by which innovative technologies are developed, evaluated, selected, marketed, and implemented.

- Some 18 sites in the Remedial Investigation/Feasibility Study (RI/FS) stage were nominated for demonstration projects under the Superfund Innovative Technology Evaluation Program.
- Region IX, ORD, and the Department of Energy hosted the Fourth Forum on Innovative Hazardous Waste Treatment Technologies in November, attended by 1,400 participants from home and abroad. Showcased were innovative treatment technologies for contaminated soil and ground water.

Ensure the long-term effectiveness of response actions under Superfund.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 increased the emphasis the long-term cleanup solutions for Superfund sites. Superfund's strategy includes greater emphasis on improved technologies and technology transfer, and better evaluations of the remedies used. Through the end-of-year, the regions:

- Completed 149 National Priority List (NPL) sites through fourth quarter against the national target of 130 sites by the end of FY 1992. Superfund expects to complete 200 NPL sites by the end of FY 1993.
- Completed 88 final remedial actions (RAs) at sites.



## PREPARE FOR AND RESPOND TO HAZARDOUS RELEASES

### Better integrate OSWER's cleanup programs.

OSWER will work to integrate the relevant aspects of the Agency's cleanup programs to increase the efficiency and effectiveness of cleanup, OSWER plans to:

- Complete the Environmental Priorities Initiative (EPI). Under EPI, Superfund monies are used to pay for Preliminary Assessments (PAs) at RCRA facilities.
- The regions reported completing 650 PAs under the EPI. Regions I and V together accomplished 43% of the PAs completed in FY 92

### Improve identification and remediation of hazardous and petroleum waste sites.

As the cleanup programs continue to develop, OSWER will seek to address the highest risks first, reduce the time from site identification to effective response, and reduce costs in order to address more sites. The strategies to implement improvements are broad and aggressive.

- There was a big shift toward completing cleanups this year: more RA contract awards and completions, and more site completions.
- Activities were shifted to complete cleanups this year: fewer site investigations and Records of Decision (RODs).

#### 30-DAY STUDY RECOMMENDATIONS

The changes recommended in the 30-Day Study are intended to speed the completion of site cleanups. Key among the recommendations are:

- Standardized solutions for cleanup investigations, remedy designs, and enforcement activities;
- Higher priority on resolving conflicts between EPA, DOJ, the states, and other parties;
- Improved public communication of Superfund accomplishments;
- Modifications to the requirements for deleting sites from the NPL; and
- An aggressive targeting strategy for site completions.

### Fourth quarter Superfund activity summary:

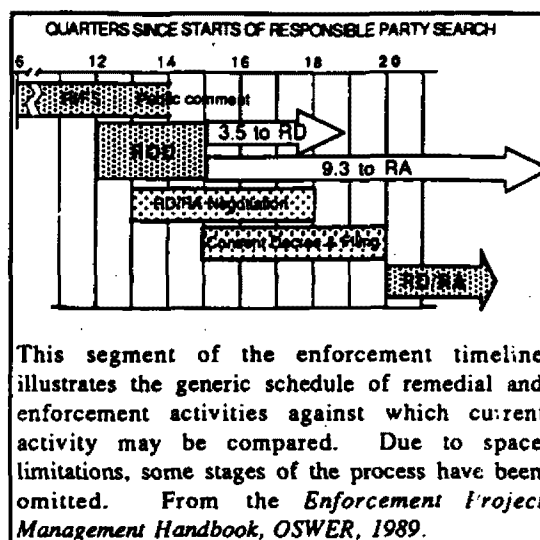
PIPELINE STAGE	Q3 Actual	EOY Actual	EOY Target	EOY One Year Ago	Comments
Site Investigations	889	1,345	1,044	2,055	Target surpassed for several years
RI/FS + Removals	17	35	34	38	Activity consistent with previous quarters
RODs	42	120	126	177	Large 4th quarter effort
RD Completions	72	121	123	133	Activity consistent with previous quarters
RA Contract Awards	40	101	83	55	Large 4th quarter effort
RA Completions	48	88	77	67	There may be more than one RA per site
Site Completions	101	149	130	63	Large 4th quarter effort



### Timeliness of Response

One of OSWER's objectives is to clean up sites faster. For FY 1992, STARS tracks the timeliness of certain Superfund activities, providing key information about efforts to continually improve the speed of remedial response development. The regions reported in fourth quarter that, on average it took:

- 3.5 quarters from Record Of Decision (ROD) to Remedial Design (RD) start, essentially unchanged since first quarter; and
- 9.3 quarters from ROD to Remedial Action (RA), down one full quarter by end-of-year.



Superfund has developed an accelerated cleanup model which it intends to pilot in the regions in FY 1993. However, there will be no STARS measures of timeliness in FY 1993.

### Enhance state capabilities to clean up hazardous and petroleum waste sites.

The Superfund program has been building toward developing state-run programs so that more sites can be addressed sooner.

- Over the next five years, OSWER will enhance state capabilities by establishing the Agency's position on the state role under CERCLA and improving cooperation and exchanges with the states.

### Increase Cleanups at Federal Facilities

In January 1991, a federal court ruled that EPA had until July 1992 to complete Preliminary Assessments at federal facilities, and one year after that to determine if any of the sites should be placed on the NPL. As of February 1991, this included about 50 facilities.

- Some federal facilities like Hanford in Washington, and Rocky Flats in Colorado, are already on the NPL. Federal facilities, especially those managed by the Departments of Defense and Energy, may be particularly difficult to cleanup.
- Due to OSWER reductions of measures, Preliminary Assessments are no longer tracked in STARS.

## Maximize the Efficacy of the Enforcement Program

### RD/RA Settlements

During FY 1992, the regions:

- Referred 50 consent decree under §106, 107 & 122(d) for Principal Responsible Parties (PRPs) to conduct or pay for RD/RA;
- Issued 45 §106 Unilateral Administrative Orders (UAOs) for RD/RA, (against a target of one) to compel PRPs to conduct RD/RA (without settlement).
- Made two §106 or §106/107 injunctive referrals to compel PRPs to conduct RD/RA (without settlement).

### SUPERFUND ENFORCEMENT STRATEGY

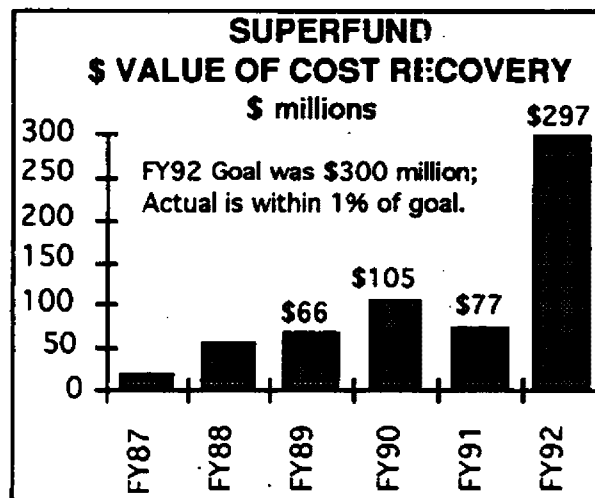
- Use enforcement authorities to compel PRPs to participate in the Superfund process;
- Manage the RD/RA negotiation process within the timeframes established under §122;
- Maximize cost recovery to the Trust Fund and working toward achieving the Management by Objective Goal of \$300 million in FY 1993;
- Use RD/RA settlement tools, including unilateral administrative orders, *de minimis* and mixed funding settlements;
- Referral of treble damage cases, referral of cases against non-settlers and penalty authorities; and
- Close inter-agency and intra-agency coordination in the settlement process.

### RD/RA Negotiations Process

The average time for ROD-to-RD/RA negotiation completion was 20 quarters at the end of the year, compared to 27 quarters at the end of the first quarter.

### Cost Recovery Referrals

During the first three quarters, there were 75 §107 or 106/107 judicial referrals (greater than or equal to \$200,000) for Fund-financed removals, RI/FS, RD or RA (against a target of 38). The dollar value of cost recovery settlements this year to date was \$297 million.



### Office of Enforcement Docket

Through FY 1992, there were 70 CERCLA §107 cost recovery referrals to DOJ, including those less than \$200,000 and/or those involving proof of claim bankruptcy issues; 35 §106/107 referrals, and 72 CERCLA civil referrals, compared to 87 for the same period last year.

Overall, there were 137 CERCLA civil referrals during FY 1992 compared to 164 last year and 157 in FY 1990. There were 245 CERCLA administrative orders issued in FY 1992 compared to 269 in FY 1991 and 288 the year before.

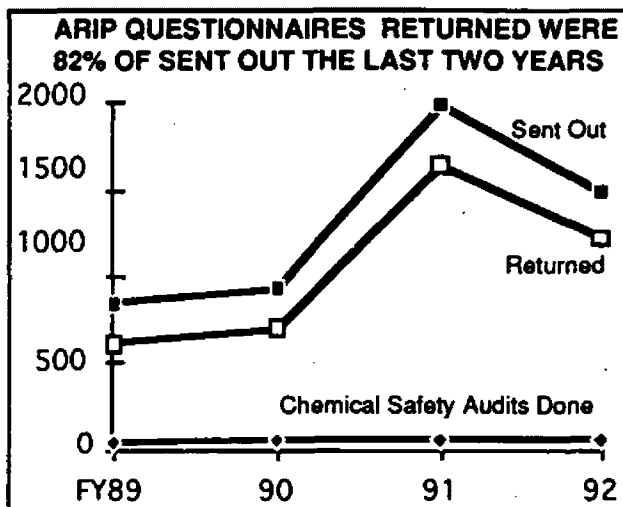
## ACCIDENTAL RELEASES

### PREVENT HARMFUL RELEASES

#### Improve release prevention practices and technologies.

OSWER's strategy is to collect and share information regarding accident prevention and to provide stakeholder support. The Chemical Emergency Preparedness and Prevention Office (CEPPO) will identify and use the most effective communication means, and work with state and local emergency agencies to identify and implement their responsibilities and to enhance their capabilities. OSWER will develop ways to measure the success of these risk management programs. Through fourth quarter, the regions reported:

- 1,479 Accidental Release Information Program (ARIP) questionnaires sent out to facilities with substance releases, and
- 1,205 or 82% ARIP questionnaires returned (more than half of these were in Region V, VI, and IX). These questionnaires are reasonably thorough in dealing with substance releases.
- 51 chemical safety audits were conducted in response to ARIP questionnaire information.



#### Reduce the number of catastrophic or harmful releases of oil and hazardous substances, particularly to high risk/high volume locations.

Under SARA Title III, OSWER will work with states and Local Emergency Planning Commissions to focus on high risk/volume locations, to identify and develop profiles for environmentally critical or high-value areas, and to work with states to identify financial incentives for industry to prevent releases. Potential measures of success include continuous reductions of hazardous substance releases and declines in environmental damage. Through the fourth quarter, the regions:

- Conducted 118 after-incident evaluations (compared to 117 last year).
- Investigated 1,004 potential violations (more than triple their end-of-year target of 317), with many of these in Region IV.
- Referred 124 administrative penalty complaints (exceeding their target of 72) and 25 administrative non-penalty orders to the Offices of Regional Counsel.

## PREPARE FOR AND RESPOND TO HAZARDOUS RELEASES

Improve the preparedness of federal, state, and local entities to respond to releases of petroleum and hazardous material into the environment.

Under Title III of SARA, states and communities are responsible for developing and implementing emergency response programs. EPA's role is to support state and local programs by providing technical assistance and training, by developing and testing federal response plans, by collecting and making available information regarding emergency responses, and by taking enforcement actions to increase compliance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Response Act (EPCRA).

- Computer Aided Management of Emergency Operations (CAMEO) is a tool for helping local fire departments and state and local emergency management offices to plan for and respond better to releases. It is used by over 200 cities and counties.
- Regions provided 731 technical assistance and training activities (almost double their end-of-year target of 370). Region IV carried out 19% of the technical assistance and training activities.

### CAMEO

CAMEO is used to:

- Identify the locations of chemical facilities and types and quantities of chemicals stored;
- Define the physical area that the chemicals may threaten; and
- Report releases of certain toxic chemicals under Sect.313 of SARA Title III.

CAMEO provides tools including:

- Information on >3,000 chemicals;
- Mapping capability to locate the facility; and an
- Air dispersion model to help evaluate spills.

### HURRICANE ANDREW RESPONSE

In September and October, Regions IV and VI responded to damage caused by Hurricane Andrew in Florida and Louisiana, coordinated under the Federal Response Plan. On Scene Coordinators in Region IV conducted 34 site assessments for hazardous substances or oil. Of these:

- 15 required federal response action; and
- 19 remaining either did not warrant response or were handled by a responsible party.

## OFFICE OF WATER

### INTRODUCTION

During the fall of FY 1992, the Office of Water (OW) began a strategic planning process that would link OW's decision-making, budgeting, and management processes. OW anticipates the development of a "master strategy"; a vision statement, mission statement, goals, principles, and major strategic directions by December 1992.

This report provides information on end of the year (EOY) progress made against priorities expressed in the draft FY 1994-1997 strategic plan, "The Water Planet III", and the FY 1992 Agency Operating Guidance (AOG) as they are articulated as activity measures in STARS.

### RIVERS, STREAMS, AND LAKES

The goal for these natural resources is to fully support aquatic life and wildlife uses, fish consumption uses, recreational uses, and where appropriate, water supply uses. As described below, some of the most important activities in support of these objectives were tracked in STARS for FY 1992.

**Objectives are:**

- to increase the percentage of waters fully supporting aquatic life uses in targeted water;
- to reduce pollutants in targeted waters; to reduce and ultimately eliminate the discharge of bioaccumulative pollutants; and
- to improve the quality and consistency of fishing bans and advisories.

**Strategies are:**

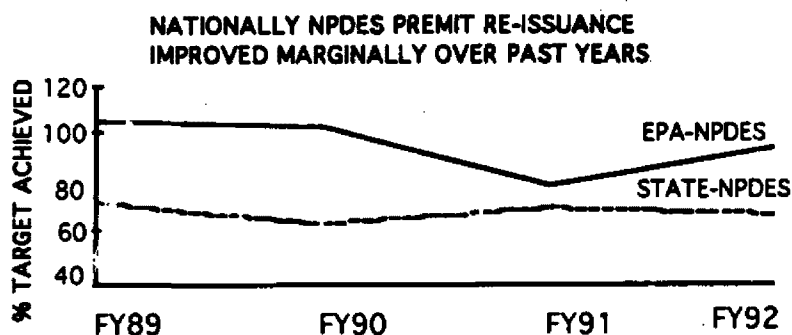
- to target pollution prevention and control activities based on sound science and technical information;
- to use the traditional tools of the base program, such as permitting, criteria and standards development, effluent guidelines development, and enforcement in targeted areas; to develop new tools; and
- to implement the nonpoint source control program.

### POINT SOURCES

#### NPDES Permits

The National Pollutant Discharge Elimination System (NPDES) permit program is the key regulatory tool for limiting point source discharges. Originally designed to control conventional pollutants, the program now also limits toxics and combined sewer overflows. STARS tracks major permits reissued by EPA and the 39 delegated states, and permits reissued or modified with water quality-based limits for toxics. NPDES permit limits ensure that a discharge does not violate state water quality standards and therefore protects against adverse impacts to aquatic life and human health.

NPDES permits issuance by the EPA regions has shown some increase, work done by the states continues at a slow pace. Improvements in performance can be attributed to an increase emphasis on permits and may also reflect a change in how the universe of work is defined. In prior years the universe was defined to include all expired and expiring permits. The definition was redefined in fiscal year 1992 to include all permits issued.



### NPDES ENFORCEMENT

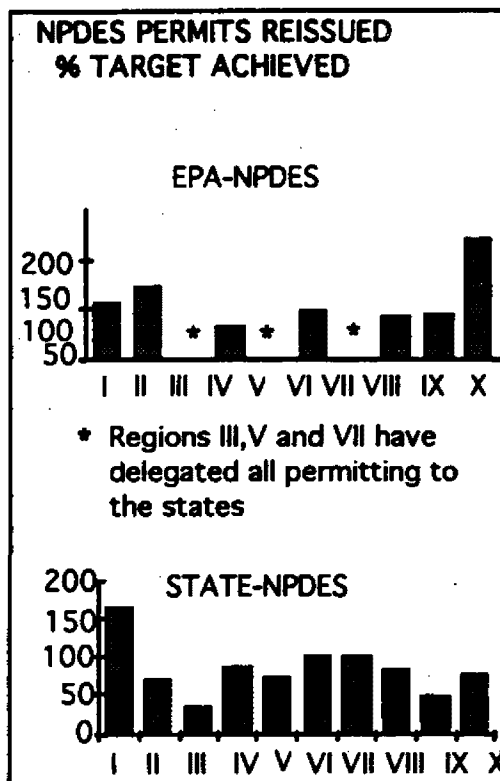
The principal FY 1992 enforcement objective for the NPDES program is to maintain high levels of compliance utilizing the SNC / Exception reporting and enforcement process.

Inspections reported through the end of the fourth quarter indicate that 6,306 permittees were inspected, narrowly missing the national target of 6,436. Of the 7,180 total major NPDES facilities, 628 or 9% were in SNC during the fourth quarter. This is consistent with the SNC rate at the end of FY 1991.

Last quarter's exceptions list contained 95 major facilities. During the fourth quarter, 28 returned to compliance, and 26 were subject to enforcement action. The remaining 40 unresolved facilities plus 58 new SNCs added as exceptions during the quarter constitute the pending balance of 98 facilities.

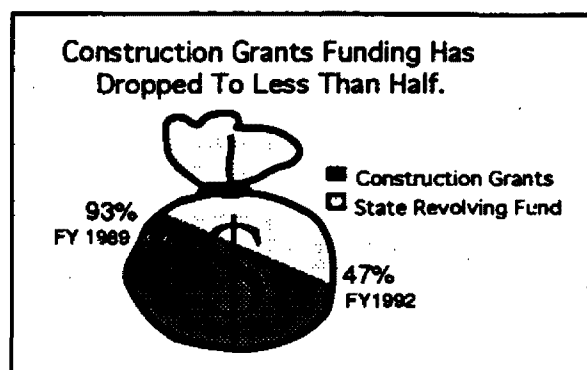
Through the fourth quarter, EPA issued 1,420 administrative compliance orders, including 74 for failure to implement a pretreatment program and 233 proposed penalty orders for NPDES violations. This slight decrease (about 12%) in AOs over the prior year is more than offset by increased State AO activity. Federal civil actions included 57 referrals to the Department of Justice.

States issued 1,617 orders, including 328 penalty orders. This marks a 20% increase over FY 1991 State AO performance, when 1,284 orders were issued. State civil actions were on a par with last year, and include 122 referrals to their State Attorneys General (half by Region VII), 44 filed in State court, and 139 concluded cases.

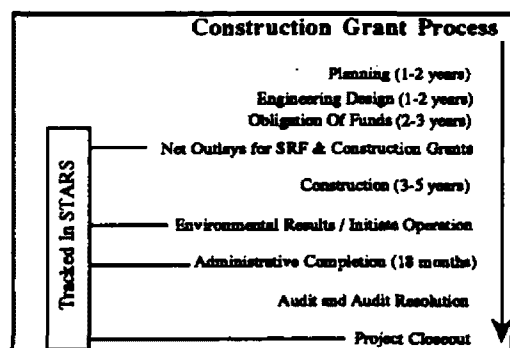


### Construction Grants & State Revolving Funds

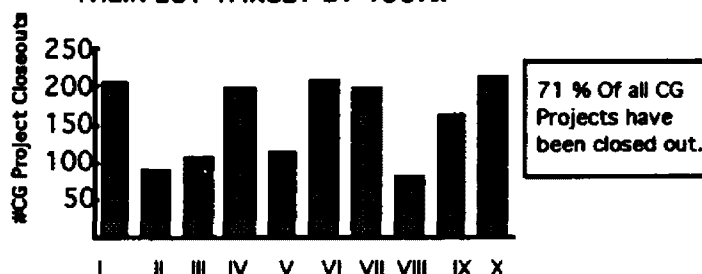
The federal effort to address the nation's water pollution control needs through the construction of wastewater treatment facilities began with the Federal Water Pollution Control Act Amendments of 1956. Through the act, the Congress provided the first grants to local governments for constructing wastewater treatment facilities. The Clean Water Act, (CWA) 1972 amendments formally created the Construction Grants Program (CG), increased the federal share of costs from 55% to 75%, and established the federal government as the leader of the water pollution control effort. Concerns were then raised in the 1980s about the efficiency of providing grants to finance local facilities, particularly in times of federal budget restraint. In response to those concerns, the 1987 amendments to the CWA created the State Water Pollution Control Revolving Fund Program (SRF). The 1987 amendments authorized states to use SRF assistance for wastewater treatment facilities, non-point source pollution control, and estuary protection projects. Replacing construction grants with SRF was a step toward more efficient government investment in wastewater treatment and was enthusiastically embraced by EPA and the states.



The 1987 CWA Amendments provided no additional new monies for construction grant program funding after FY 1990 but provided new resources for the SRF program. In response, the Agency developed a national strategy to administratively complete all construction grant projects by the end of FY 1995 and to close out all grants by the end of FY 1997. STARS tracks the implementation of this strategy at two key points; administrative completion of a construction grant (all work leading up to a final audit by the Inspector General), and project closeout of construction grants. Project closeout is dependent on a complex process, including possible completion of an OIG audit, resolution of debt issues, and issuance of a closeout letter. To date 9,483 projects have been closed out and 3,806 projects remain to be closed out over the next three fiscal years.

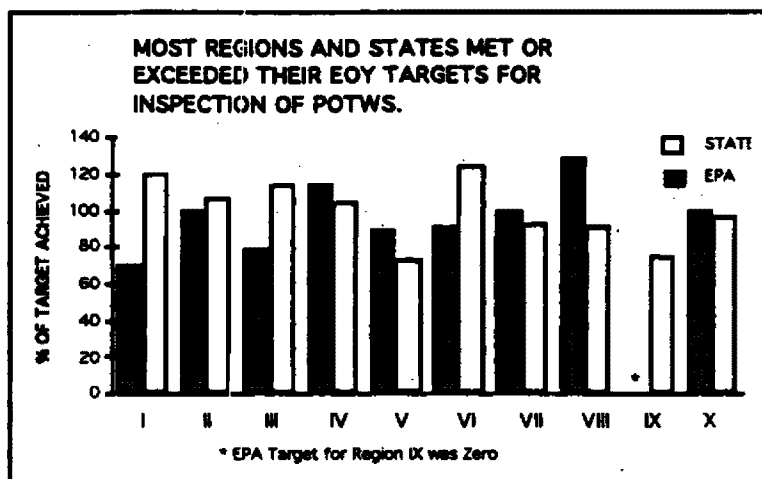


**NATIONALLY REGIONS COMPLETED 1,008 CG PROJECT CLOSEOUTS, EXCEEDING THEIR EOY TARGET BY 135%.**



### Pretreatment Audits and Inspections

Pretreatment programs assure that Publicly Owned Treatment Works enforce controls to protect health and the environment from conventional, hazardous, and toxic pollutants. An audit must be performed once during the five-year term of each facility's permit. An audit or inspection should be conducted annually. EPA and the States conduct audits of pretreatment programs and inspections of pretreatment facilities. Nationally, audit performance is above levels for both EPA and states. EPA and state work on inspections is around 91% of target.



### Storm Water

OW's strategic plan states that pollutants in storm water discharges are leading causes of impairments to coastal and inland waters. Further, the "National Water Quality Inventory, 1990 Report to Congress" indicates that roughly 30% of identified cases of water quality impairment are attributable to storm water discharges.

Over 100,000 industrial facilities and 220,000 municipalities are subject to EPA initial permit requirements for storm water discharges. These permits will provide a mechanism for monitoring the discharge of pollutants to waters of the United States and for establishing source controls where necessary. Industrial facilities are given a choice of three permit application options: individual, group or general permits. Municipalities must submit two-part applications. Part One includes information regarding existing programs, the means available to the municipality to control pollutants, and a field screening analysis of major outfalls to detect illicit connections. Part Two requires quantitative data and a description of proposed storm water management plans.

#### **1992 Stormwater Permits Issued**

- 41 individual permits were issued to industrial facilities.
- 161 Part One applications were submitted to the Agency in response to a statutory deadline of October 1, 1992.

In FY 1992, STARS tracked the number of baseline general permits issued for industrial sources of storm water discharges and the number of Part One permit applications submitted for municipal sources. Reporting for this new measure was somewhat experimental for this fiscal year. In FY 1993, the Agency will initiate enforcement and outreach efforts to affected facilities and municipalities.

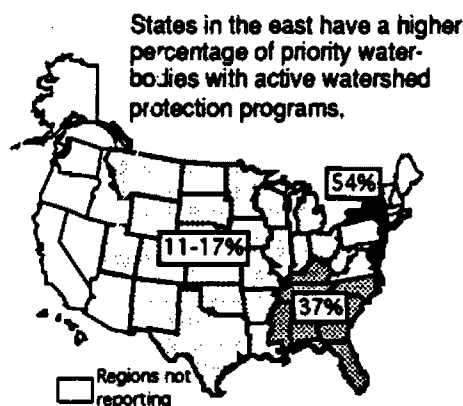


## NONPOINT SOURCES

Agricultural runoff is the largest single source of impairment to the nation's rivers and streams. The Global Tomorrow Coalition is cited in the OW strategic plan as declaring that nonpoint source pollution causes economic losses estimated at \$3.6 billion per year. The strategic plan outlines several activities with regard to nonpoint source control, but STARS measures are limited to reporting in fourth quarter the percentage of state priority waterbodies with nonpoint source control programs in place.

- All regions reporting said their states were at or above expected levels for active watershed projects (except Kansas, with 2% of the 5% target). Nationally, 19% of priority waterbodies had active watershed projects (some regions not reporting).

In 1992, OW promulgated regulations that altered the reporting requirements regarding waterbodies targeted for total maximum daily load (TMDL) development (including NPS factors). Lagged reporting is expected for second quarter of FY 1993.

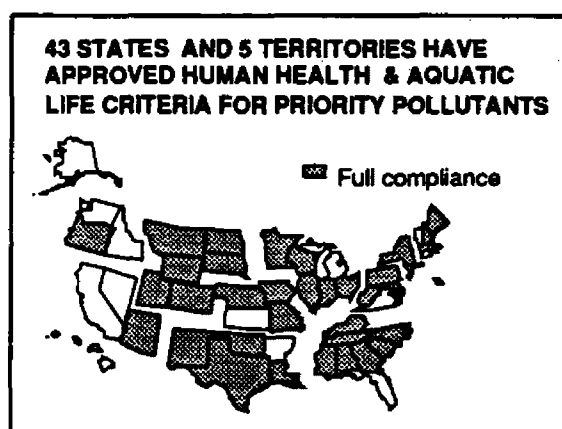


## WATER QUALITY PLANNING, STANDARDS, AND ASSESSMENT

OW's fundamental strategic underpinning across all major resource areas is the development of a solid scientific and technical foundation for decision-making. STARS currently tracks two priority activities which reflect the implementation of water pollution control criteria: toxics criteria and triennial reviews. Data are reported second and fourth quarter.

### Toxics Criteria

The 1992 STARS activity measure tracked regional approval of state adoption of aquatic life and human health numeric criteria for CWA §307(a) priority pollutants pursuant to §303(c)(2)(B). Water quality standard Section 303(c)(2)(B) of the CWA, as amended, requires that whenever a state reviews water quality standards in accordance with §303(c)(1), the state must adopt numeric criteria into water quality standards for §307(a) priority pollutants that could be reasonably expected to interfere with designated uses. Although full compliance was mandated for FY 1991, states had an opportunity to comply prior to the Agency promulgating water quality criteria (referred to as the National Toxics Rule) for states not in full compliance. Nationally, out of a universe of 57 states and territories, 43 states and 5



territories (American Samoa, Guam, Palau, Virgin Islands, and the Commonwealth of Northern Mariana Islands (CNMI)) are in full compliance for aquatic life and human criteria. Fourteen states including the District of Columbia and Puerto Rico will have water quality standards promulgated under the Agency's National Toxic Rule. The rule was signed by the Administrator on December 1, 1992. This is the single largest EPA promulgation in the history of the CWA.

### Triennial Review

The emphasis of these reviews is the reduction of ecological risk in critical surface waterbodies. The requirements are designed to enhance the ability of states to adopt water quality standards that will reduce risks facing aquatic resources, particularly from nonpoint sources, combined sewer overflows and storm water runoff. The critical water bodies targeted include

wetlands and coastal/estuarine waters, but also may include lakes, streams and rivers. Twenty-one states were targeted to complete triennial reviews for the FY 1992. Nine states completed their reviews.

#### States Completing Triennial Reviews with Approved Water Quality Standards and Requirements for:

- Connecticut - Saltwater criteria, antidegradation policy and implementation methods, wetlands
- New York - Saltwater criteria.
- Virginia - Saltwater criteria, and antidegradation implementation methods.
- Wisconsin - Wetlands.
- Arkansas - Biological criteria, anti-degradation policy and implementation methods, and wetlands.
- Colorado - Antidegradation policy and implementation methods.
- CNMI - Saltwater criteria, coastal/estuarine and wetlands.
- Guam - Wetlands.
- Oregon - Antidegradation policy and implementation methods, saltwater criteria and coastal/ estuarine.

## COASTAL AND MARINE

For coastal and marine resources, OW's goal is to restore, protect, and enhance the nation's waters to sustain living resources, protect human health and the food supply, and recover full recreational uses of shores, beaches, and coastal waters. While acknowledging that base programs must be maintained in order to sustain present levels of coastal and marine protection, the strategic plan emphasizes the need for risk-based resource targeting. OW will work with state and local governments to identify high-risk areas and environmental land use planning options, and to apply pollution prevention principles. OW is forging a new leadership role with the states and localities to encourage non-federal implementation of comprehensive programs. OW strategies tracked in STARS are limited to the National Estuary Program (NEP) and ocean dumping efforts.

#### Program objectives include:

- increase the percentage of waters fully supporting aquatic life;
- reduce the amount of pollutants discharged;
- decrease the number of waters fully supporting recreational use; and
- reduce the amount of debris in the marine environment.

## WETLANDS

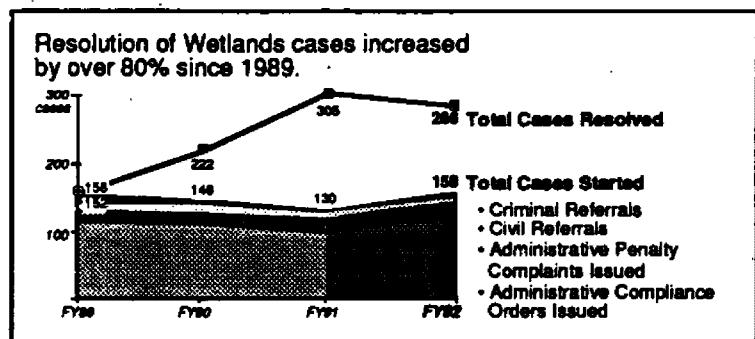
In 1989, EPA adopted a "no net loss" goal for wetlands as measured by acreage and function, with a long-term goal of increasing the quality and quantity of wetlands. The wetlands program enforces CWA §404 and uses a variety of strategic initiatives to promote wetlands protection activities, including advance identifications, public education and outreach, and comprehensive planning.

- Regions completed three advance identifications. There were 26 major public outreach efforts completed in FY 1992 (two-thirds in Regions III and IV). Regions completed one comprehensive management and planning initiative. Specific details of these activities were not reported to STARS.

## §404 ENFORCEMENT

FY 1992 enforcement priorities identified by the Wetlands program include follow-up of the enforcement initiatives begun in FY 1991, participation in new, geographically based enforcement initiatives, and continuation of the expanded use of judicial and administrative enforcement authorities.

- Through fourth quarter Wetlands completed six geographically targeted enforcement initiatives (no change over third quarter), issued 118 administrative compliance orders (98 issued one year ago), and 26 administrative penalty complaints, referred 14 cases to the Department of Justice (eight civil and six criminal), and resolved a total of 286 cases (through voluntary compliance or administrative or judicial action).



## GROUND WATER

The strategic planning goal for ground water is to prevent adverse effects to human health and the environment, and to protect the environmental integrity of this national resource. OW is taking the lead on implementing ground water protection efforts which shift the Agency's program focus from media source control programs to a resource-based approach for protecting ground water. Specific objectives supporting this goal are to reduce the incidence of contaminated drinking water supplies relying on ground water, and to reduce the amount of pollutants released into ground water. OW has identified a set of priority activities to meet these objectives, including: develop and implement Comprehensive State Ground Water Protection Programs; increase state and local involvement in the wellhead protection program; eliminate 100% of identified hazardous waste and endangering shallow injection wells, and ensure continued compliance of all other injection wells. As described below, STARS measures track ground water implementation activity and the wellhead protection program.

## COMPREHENSIVE STATE GROUND WATER PROTECTION PROGRAMS

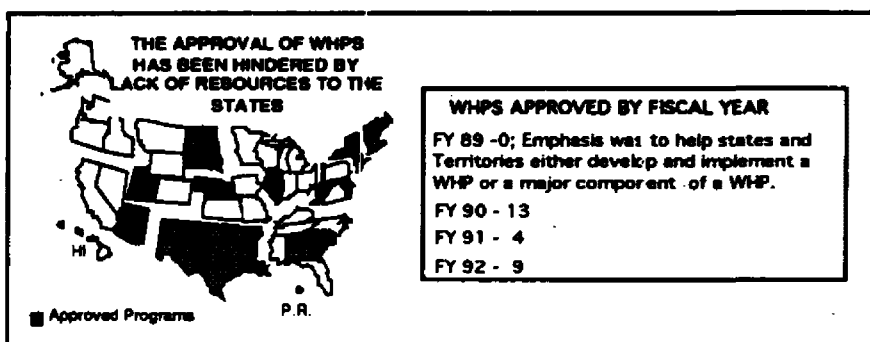
Comprehensive programs provide a state-level framework that integrates the various federal, state and local government ground water activities. Coordination not only integrates various ground water pollution source control programs, but also includes ground water data systems, coordinated federal grant assistance to states, and consistent ground water regulations. EPA's role focuses on assisting states in the development and implementation of comprehensive programs, which began with a series of national series of round table discussions with federal and state agencies. The first round of discussions have taken place. The Comprehensive State Ground Water Protection Program Guidance document is expected to be issued in final December 1992.

### WELLHEAD PROTECTION PROGRAM

OW is increasing emphasis on pollution prevention to complement its water quality programs. The wellhead protection program (WHPP) is a key example of OW's pollution prevention efforts. In local wellhead protection areas, priority will be given to identifying and addressing sources of contamination, especially endangering shallow injection wells. Nationwide, a total of 26 states have approved programs. In FY 1992, nine states had their WHPPs approved by EPA. Seven regions had targets for WHPPs; no region made their target.

Although the 1986 amendments to the Safe Drinking Water Act (SDWA) directed states to submit WHPPs by June 1989 for EPA review and approval, the program has never been funded by Congress. Compliance has been voluntary by the states. However, because the

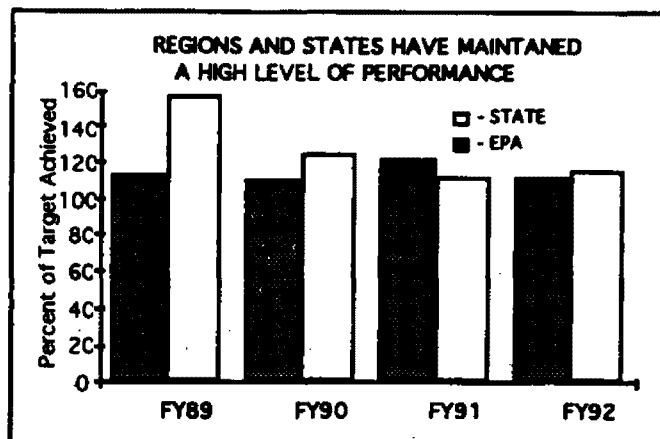
Comprehensive State Ground Water Protection Programs are required to include an approved WHP plan the number of WHPPs are expected to increase in future years.



### UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

In past years, the UIC program had focused its efforts on Class II wells, which are used to dispose of oil and gas production fluids. This universe is now considered to have been brought up to standard. In FY 1992, the UIC program placed greater emphasis on targeted Class V wells, especially industrial disposal wells and automobile service station disposal wells which pose a serious threat to health with their potential to contaminate underground sources of drinking water. Class I hazardous waste wells affected by the RCRA land ban restrictions were also subject to greater emphasis. Strategies include pollution prevention, educating local decision-makers, cross program coordination, multi-media approaches, and federal consistency.

A key component of the UIC pollution prevention strategy is consistent testing and monitoring of active wells. Mechanical integrity tests (MITs) are required prior to initial injection and at least once every five years thereafter. These tests evaluate the operational integrity of the well to assure that underground sources of drinking water will not be endangered. End of year performance for both primacy and EPA direct implementation (DI) programs exceeded their targets. EPA-(DI) and primacy performance is 111% and 116%, respectively, of the annual target. Testing and monitoring of active wells has consistently exceeded performance expectations over the past four years.



### UIC ENFORCEMENT

The UIC enforcement program focused on three objectives in FY 1992: identifying noncompliers, maintaining compliance through enforcement, and reducing risk to public health and the environment through Class IV and Class V well closures.

Field inspections, MITs and self-reporting through the fourth quarter have identified 2,704 wells as being in SNC: 2,034 by the States and 670 by EPA (up from last year at this time, when 2,363 wells were in SNC). At the end of the fourth quarter there were 629 wells on the Exceptions List (wells which have remained in SNC for 90 or more days without a formal enforcement action). Most of these are primacy wells in Regions I (106), V (166), and X (300).

Through the fourth quarter, EPA proposed 145 administrative orders while States issued 6,971 (the 6,849 issued by Region V States can be principally attributed to Illinois, which has recently implemented an automated system for issuing UIC administrative orders). Last year's fourth quarter numbers had EPA issuing 134 proposed orders, and states issuing 538. EPA's Regions also referred 13 civil judicial actions to the Department of Justice.

A total of 765 Class IV and V wells were closed through the fourth quarter (332 EPA and 433 primacy). Well closure requires the owner/operator to permanently discontinue injection of an unauthorized and endangering fluid contaminant which is in violation of RCRA, SDWA, or other applicable regulation(s).

### DRINKING WATER

The overall strategic planning goal for drinking water is to ensure that all Americans receive high quality drinking water sufficient to protect their health. In FY 1992, OW continued to emphasize regulatory development for contaminants specified in the 1986 SDWA Amendments. Program strategies include increasing enforcement to maintain and improve

compliance rates, building state capacity and providing increased public education, and improving the Agency's scientific and technical base to strengthen federal, state, and local decision-making.

## **PUBLIC WATER SYSTEMS SUPERVISION (PWSS)**

OW has three major strategic planning objectives for drinking water. First, OW plans to reduce the number of people served by water systems that violate state or federal drinking water standards for regulated contaminants. By 1995, OW anticipates promulgation of standards for 111 contaminants. The second objective is to increase the number of states adopting and implementing new regulations, and thereby maintaining primacy. And

finally, OW plans to work with states to build their capacity through technical assistance, guidance, and development of state funding mechanisms.

### **STATUS OF PWSS STRATEGIC OBJECTIVES**

**OBJ 1:** Standards for 34 contaminants have already been promulgated.

**OBJ 2:** Six major new regulation are in effect and States are making progress in adopting them. All States have adopted the Phase I-Volatile Organic Chemical Regulations and the Public Notification Rule. Forty-six States have adopted the Surface Water Treatment Rule and 48 States have adopted the Total Coliform Rule. Two regulations; the Lead & Copper Rule and the Phase II Rule become effective in FY 1992. Fifteen States have adopted the Phase II regulations and twelve States have adopted the Lead & Copper Rule.

**OBJ 3:** In June 1992, the Office of Ground Water Drinking Water (OGWDW) issued the Public Water Systems Supervision (PWSS) program priority guidance. The guidance is to focus EPA and the States resources on the highest priorities first and to allow the States time to build resources in order to fully implement the program. The guidance outlines a Mobilization Strategy that gives a state 5 years to develop adequate funding in order to implement their drinking water program. The strategy does not change or defer statutory or regulatory responsibilities. PWSs must continue to fully implement the regulations without delay.

## **PUBLIC WATER SYSTEMS SUPERVISION ENFORCEMENT**

The objective of the PWSS enforcement program is to protect public health by ensuring compliance with drinking water standards. Compliance is monitored using the significant noncomplier (SNC) / Exception report format, and enforcement actions are initiated against those systems which do not return to compliance within standard timeframes. PWSS STARS measures are reported on a one quarter lag basis to accommodate the state data reporting process.

At the end of third quarter FY 1992, OW reported 1,538 public water systems to be in significant noncompliance (SNC) for microbiological/ turbidity, and 1,048 for chem/rad.

Follow-up of the 406 SNCs for M/T previously reported as "new" in first quarter FY 1992 has resulted in 66% being resolved by either returning to compliance or by an enforcement action during the timely and appropriate period. The remaining 140 systems were added to the exceptions list. Follow-up of the 240 new chem/rad SNCs for the same period resulted in 50% being resolved. The remaining 119 systems were added to the exceptions list.

Of the 628 exceptions for M/T identified at the beginning of the third quarter, 31% were

resolved by either returning to compliance or initiating enforcement action by the end of the quarter. The other 434 systems remain to be addressed. Of the 195 chem/rad exceptions, 33% were resolved for the same time period, leaving 130 systems to be addressed.

Third quarter EPA enforcement activity included issuance of 460 NOVs, 142 proposed administrative orders, 79 final administrative orders, ten complaints for penalty, and one civil referral. States issued 309 administrative compliance orders, referred 11 civil cases, and filed one criminal case.

