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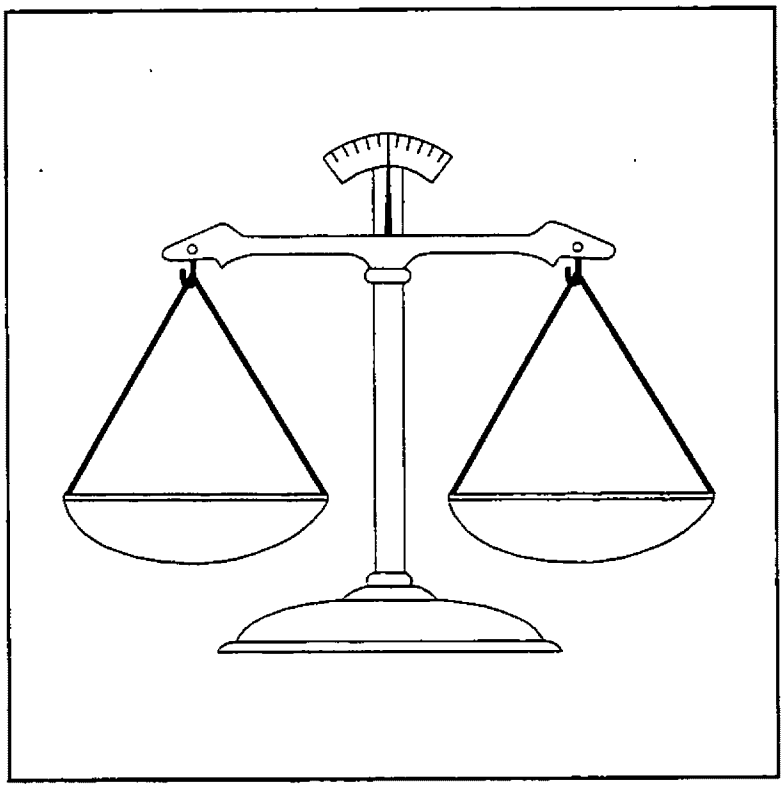
REGION III
ENVIRONMENTAL JUSTICE UPDATE
AND
ACCOMPLISHMENTS



Office of Enforcement, Compliance and Environmental Justice

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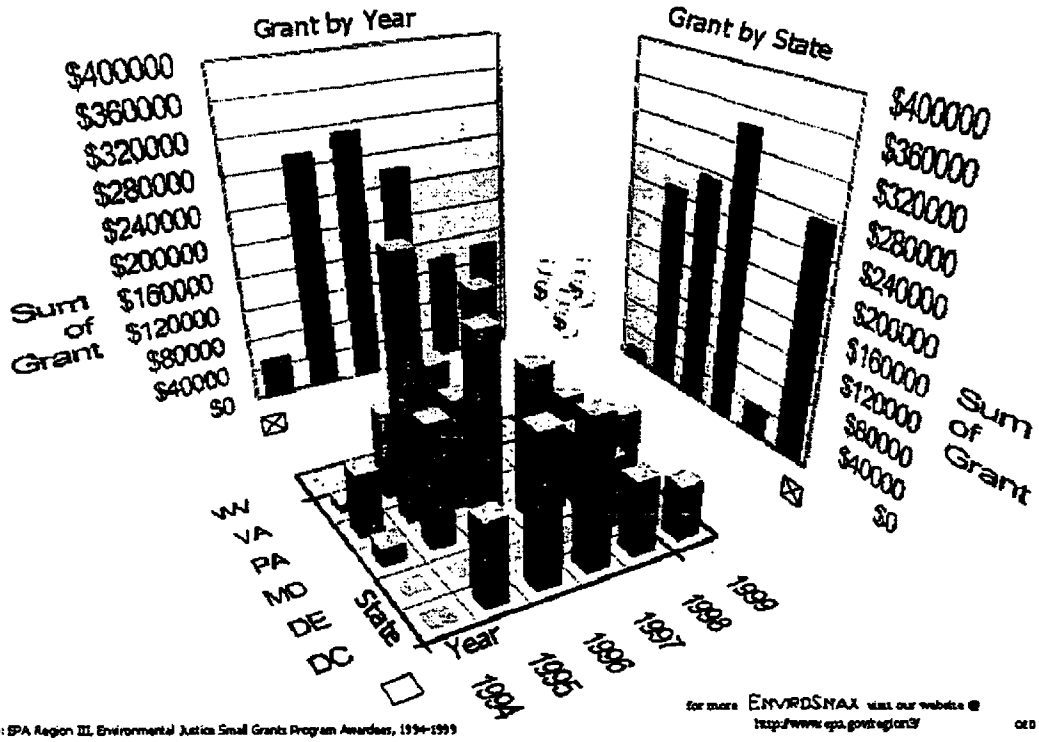
Maryland Leads the Region in Small EJ Grants



Source: EPA Region III, Environmental Justice Small Grants Program Awardees, 1994-1999

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BACKGROUND

EPA Region III:

Consists of the States of Pennsylvania, Delaware, Maryland, Virginia, and West Virginia; in addition to the District of Columbia. There are several large urban areas in the Region including: Baltimore, the District of Columbia, Philadelphia, Pittsburgh, Wilmington, and Richmond. There are no federally recognized tribes in Region III, however there are several state recognized tribes in Virginia.

The demographic information for EPA Region III is as follows:

Total Population	25,917,014
White	20,879,030
Black/African American	3,970,832
Native American	50,478
Other	16,716
Asian	449,741
Hispanic	550,217
Total Minority	5,037,984
% Minority	19%
Under Poverty	2,778,130
% Under Poverty	11%

SUMMARY OF MAJOR REGION III ENVIRONMENTAL JUSTICE ISSUES

Office of Enforcement, Compliance and Environmental Justice

Chester, Pennsylvania Environmental Risk Study

Chester, Pennsylvania is located approximately 15 miles south of Philadelphia and rests along the Delaware River. Chester has a minority population of approximately 70 percent. Chester has the highest concentration of industrial facilities in Pennsylvania including two oil refineries, a large medical waste facility and other medical waste type facilities. Chester is also the home of the Delaware County wastewater treatment plant and a large trash to steam facility. Residents of Chester have long been concerned about the health effects of living and working among toxic

substances. Chester has the highest infant mortality rate coupled with the lowest birth rate in the state. Chester is the poorest community in Delaware County. During 1995, EPA Region III completed the Chester Risk Assessment Project as part of an initiative with the Commonwealth of Pennsylvania to study environmental risks, health, and regulatory issues in Chester. While the intent of the Risk Assessment was to provide a complete "cumulative risk study" utilizing exposure data for all environmental media and exposure pathways, the actual report is more of an Aggregated Risk Study due to the largely unknown nature of the interrelated exposures. However, the findings of the report were alarming. Blood lead in Chester children is unacceptably high with 60% of the children's blood levels above the Center for Disease Control's recommended maximum level. Both cancer and non-cancer risks from the pollution sources at locations in Chester exceed what EPA believes are acceptable. The report found that air emissions from facilities in and around Chester provide a large component of the cancer and non-cancer risk to the citizens of Chester.

In response to these findings, EPA recommended the implementation of aggressive lead paint abatement programs in Chester and that sources of air emissions which impact the areas of the city with unacceptable high risk should be targeted for compliance inspections and any necessary enforcement actions. Also, a voluntary emission reduction program should be instituted to obtain additional emissions reductions from facilities which provide the most emissions in the areas of highest risk. The Chester Implementation Workgroup, made up of representatives from the stakeholder groups in Chester, has been set up to address issues identified by the community relating to health, quality of life and land use.

South/Southwest Philadelphia Environmental Health Characterization Study

In December 1994, Region III provided funds to Johns Hopkins University (JHU) to conduct a two year environmental and health characterization study of South/Southwest Philadelphia. The Study was initiated in response to community concerns that their community was being unduly burdened with industrial and commercial establishments and, therefore, the health of the residents of the community was being placed at risk. The implementation of the study served as a coalescing mechanism and brought together diverse community groups to form a Citizens Advisory Committee (CAC). It also brought together the three levels of government, federal, state and local, responsible for the maintenance of the environment in Philadelphia and the academic community which served as a Science Advisory Board. The Study was completed and the results presented to the community. The study, while it put forth recommendations, did not make a direct link between environmental exposures and the health of the residents. Such a link could not be scientifically determined in such an environmentally diverse and large study area. However, the study did present recommendations such as increasing the links between the community, industry, academia and government as well as filling in the gaps in the understanding of community exposures by developing strategies to measure the level of key pollutants in the environment. The citizens of the study area continue to request that EPA address the environmental concerns in the area, specifically, potential air emissions from the numerous auto repair body shops located in South Philadelphia. A meeting with EPA Region III and the City of Philadelphia was held on December 16, 1998 to address the concerns of the citizens. Philadelphia and ATSDR are currently developing a monitoring plan which will sample for diisocyanates in around the auto body shops in South Philadelphia. Diisocyanates are one of the

main pollutants of concern to the South Philadelphia residents. Johns Hopkins University and ATSDR had recommended that further study be conducted on the potential impact of diisocyanates on the community.

King William Reservoir, King William County, Virginia

The Regional Raw Water Study Group (RRWSG), a consortium of local governments on Virginia's Lower Peninsula, are proposing the construction of a dam, fresh water reservoir, and a pumping station in rural King William County, Virginia. The dam would create a 1,500 acre reservoir on Cohoke Creek by pumping water from the Mattaponi River. The proposed project may impact the social structure and sense of community of the Mattaponi, Upper Mattaponi and Pamunkey Indian tribes. The reservoir would be located between the tribes' reservations. Construction of the reservoir and it's potential secondary impacts such as residential development, raise issues related to the preservation of the cultural, spiritual and archaeological integrity of the tribes. The project will result in the loss of 437 acres of wetlands in the Cohoke Mill Creek watershed. The construction of the reservoir will take place within the three mile buffer zone of the Mattaponi Indian Reservation. The tribes opposition relies, in part, on a state recognized treaty which does not allow any encroachment within a 3 mile radius of the reservation. The tribes are contending that if the reservoir is allowed they will lose a vital part of their cultural heritage. The Mattaponi maintain that the reservoir will threaten their historical use of the river and the land within the Cohoke watershed. Both tribes rely heavily on the land and water as a source of food, economic benefit and spiritual identity.

The Final Environmental Impact Statement (FEIS), according to a July 1997 letter prepared by EPA Region III, did not contain a full and complete analysis of the impact of the reservoir's construction on the environmental justice communities in the area in accordance with the President's Executive Order on Environmental Justice (EO 12898) or a valid wetlands replacement plan. As a result, EPA requested that the Norfolk District of the Army Corps of Engineers require a supplement to the FEIS focusing on the wetland mitigation issues and the Native American cultural issues. EPA believes that 120 acres of wetlands to be mitigated remain outstanding. A study on the cultural impact to the tribes identified impacted resources, however, RRWSG contended that the report was biased and had asked for an independent review of the report. EPA Region III continues to stress the need to consult with and recognize the concerns of the Mattaponi, Upper Mattaponi and Pamunkey tribes as well as the African American community within the area of concern and has been working with the Army Corps to educate them on this issue. Five "water needs" studies have now been completed four of which were independent of RRWSG. All of the studies, except the one performed by RRWSG, conclude that the water need has been overestimated, therefore, the project as currently proposed is unnecessary. The last independent water needs study, performed by Independent Water Resources (IWR), reached the same conclusions about the area's water needs as the other reports showing that the RRWSG water need projections are inaccurate. On June 4, 1999, the Army Corps issued a preliminary decision to deny the Clean Water Act §404 Permit on the basis of the lack of a demonstrated need to destroy 437 acres of wetlands as well as the cumulative adverse environmental impact of the project, particularly the potential for a disproportionately high adverse effect to an American Indian minority population. The Army Corps is facing stiff political opposition in

defending their decision. The Army Corps had extended the public comment period to July 16, 1999 concerning their decision to deny the permit. On December 17, 1999, the Army Corps met with RRWSG to discuss the IWG report. In January, 2000, RRWSG requested a meeting with the EPA Region III Regional Administrator. As of March 29, 2000, this meeting has not been scheduled. Also, as of March 2000, the Army Corps is standing by it's initial decision to deny the Permit. EPA has a limited role, at this time, because EPA is not formally involved in the NEPA process. The Army Corps final permit decision may not take place until mid 2000. If the Army Corps (Norfolk) Record of Decision indicates denial of the permit, the case will be elevated to the North Atlantic Division of the Army Corps because of Governor Gilmore's opposition to the preliminary denial of the permit.

On February 8, 2000, the Mattaponi tribe lost their appeal challenging the Virginia State Water Board permit. The Virginia Court of Appeals ruled that the Mattaponi tribe lacks standing to appeal the state permit. The court ruled that the tribe failed to make a case that the state permit violates a 17th century peace treaty between Virginia and the tribe. This ruling upheld a Newport News Circuit Court decision.

EPA Region III's current Director of the Office of Enforcement, Compliance and Environmental Justice (OECEJ) has been involved with this project since 1992. During that time, and continuing to this day, OECEJ has continued to educate the Corps as to the environmental justice sensitivities of the situation. OECEJ met with the involved Corps representatives at the Corps Headquarters, and met with the Corps' Norfolk District Office Commander, as well as numerous times with the Corps' Norfolk attorney assigned to the project. In fact, OECEJ and the Corps' Norfolk District Office participated in regular conference calls to discuss the environmental justice issues surrounding the reservoir project. OECEJ remains immersed in this project.

Wagners Point, Baltimore, Maryland

Wagners Point is a highly industrialized peninsula located in the Southeast portion of Baltimore on the Patapsco River. Located on the "Point" are 14 facilities including fuel transfer terminals as well as chemical manufacturers. What makes this industrial area unique is the inclusion of a residential low income neighborhood of approximately 90 homes in the middle of the industrial complex. The residents contend that they are subject to all sorts of industrial insults 24 hours a day. A predominately African American housing project was relocated out of the Point several years ago, however, a small pocket of mainly low income working class white residents remained wedged between the industrial facilities. A small pocket of African American residents remain in the Fairfield section of Wagners Point as well. Three explosions occurred in the Point from December 1997 to October 1998. The October 1998 explosion at the CondeaVista Chemical Company brought the residential issues to the forefront. Relocation of the remaining residents is a priority. Currently, the City of Baltimore, the State of Maryland, and HUD are attempting to locate the funds to move the residents. Some of the facilities on Wagners Point may assist with the relocation. However, the residents of Fairfield have not yet been included in the relocation negotiations. As a result of the explosion, EPA Region III (OECEJ) and Maryland cooperated on a joint strategy to inspect the facilities to ensure their safe operation and adherence to the pertinent environmental requirements.

During the spring and summer of 1999, EPA and MDE jointly inspected four facilities in Wagners Point (Citgo Petroleum, Rhodea, Atotech, and Delta Chemicals).

King and Queen County, Virginia

A controversy has erupted in King and Queen County, Virginia where the Virginia Department of Environmental Quality has approved a landfill expansion for Browning-Ferris Industries (BFI) over the objections of local residents. The residents contend that the landfill expansion threatens Dragon Run Swamp and a church and graveyard founded by former slaves 128 years ago. The landfill expansion, if completed as currently designed, would destroy the aesthetic setting of the church. The landfill expansion would increase the height of the landfill from 230 feet above sea level to 474 feet which would tower over the church and cemetery and disrespect the African American cultural attachments to the church and graveyard. Additionally, the expansion would fill in approximately 7 acres of wetlands, however, BFI would create 27 acres of wetlands that would drain into Dragon Creek as well as to place 72 acres of stream-side forest in preservation easements, as well as creating a trust fund up to $150,000 to protect Dragon Run. The Second Mount Olive Baptist Church has asked the Virginia Department of Historic Resources to comment on their eligibility to qualify for a Federal Register of Historic Places. The Army Corps of Engineers is required by law to assess the impacts of permit requests on property deemed eligible for the National Historic Register. EPA Region III is keeping a close eye on the proceedings to ensure that the environmental justice concerns of the African American community are addressed in accordance with the President's Executive Order on Environmental Justice.

Abex Superfund Site, Portsmouth, Virginia

The Abex Corporation Superfund site is located in the eastern section of Portsmouth, Virginia, and centers around a two-acre property containing a former brass and bronze foundry. The primary contaminant of concern is lead, however, other contaminants are present as well. The site includes the former foundry as well as adjacent contaminated soils. The largest residential area impacted is a portion of the Washington Park Public Housing Project which is home to approximately 160 predominately African American families. Under an EPA Consent Order in August 1986, Abex excavated and removed contaminated soils from the Abex property and adjacent properties including the Washington Park Housing Project and other residential areas. All excavated areas were filled with clean soils and revegetated. Additional soils were removed from these areas after the Remedial Investigation/Feasibility Study in 1992 determined that lead contamination still existed in the soils adjacent to the Abex property. Demolition of the foundry buildings and five homes was completed in 1997. During this process some of the residents of the Washington Park Project and the surrounding homes were temporarily relocated. The major issue is that the Washington Park residents allege that the selected clean-up remedy for the site, being implemented by PneumoAbex Corporation, "knowingly, willfully, purposefully and effectively reestablishes, recreates and exacerbates the conditions originally imposed by the policies and practices of de jure segregation." The Washington Park Residents filed a Title VI civil rights complaint against EPA, the City of Portsmouth, Portsmouth Redevelopment and Housing Authority, and Pneumo Abex Corporation

citing the above reasons. The United States attempted to have the complaint dismissed by the United States District Court for the Eastern District of Virginia, Norfolk Division, however, on December 1, 1998, the Court denied the United States' Motion to Dismiss the civil rights complaint. The United States appealed the decision. In early 2000, the Federal Judge on the case gave preliminary approval to a settlement agreement calling for demolishing the Washington Park housing. Project and relocating its citizens. The agreement may be finalized after a 45 day comment period and fairness hearing scheduled for mid-April 2000. EPA approved the remedy for the site and has argued that the remedy is protective and does not discriminate against the residents of Washington Park. During January, 1999, EPA and Pnuemo-Abex began the temporary residential relocation of the first group of Washington Park residents for the remedial action at the site (residents were previously relocated for the purpose of removing soil contamination "hot spots"). These relocations have since been completed. Also, the temporary residential relocations for heating duct cleaning in the Washington Park Housing Development were completed in February 2000. The ductwork was cleaned in 160 residential units where unacceptable concentrations of lead were detected. Soil removal in the adjacent private neighborhood is also progressing. The results of blood analysis, from samples taken from a number of Washington Park residents, did not detect lead above the health based concentration.

The site is one of the more complex sites in the Region. Concerns about elevated blood lead levels in children lead Region III to bring in both the Centers for Disease Control (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to provide information, consultation, and support regarding lead poisoning and other public health issues. ATSDR and CDC participated with the EPA in a series of public meetings and information sessions held for the residents. These agencies reviewed and assessed blood lead test results which were collected and analyzed by the Commonwealth of Virginia. The Department of Housing and Urban Development (HUD), was brought into the case, by EPA, first because of questions regarding permanent relocation of Washington Park residents, then because of temporary housing issues, and finally because of renewed concern for permanent relocation. HUD has now assumed the lead on the relocation issue. The Army Corps of Engineers (COE) assisted EPA with the temporary relocation of residents during the remedial cleanup of the site, including finding lodging for the residents during their temporary relocation. The Department of Justice has provided significant legal assistance during the hearing process. The complex nature of this site makes it clear that the engagement and involvement of all the appropriate Federal partners is vital in addressing issues which EPA has neither the expertise or legal authority to address.

Soil Remediation Services, Inc., Chester, Pennsylvania

The most widely publicized Environmental Justice issue in Region III was a lawsuit brought by the Chester Residents Concerned for Quality Living (CRCL) in 1996 against the Pennsylvania Department of Environmental Protection (PADEP). The lawsuit alleged that PADEP disproportionally impacted the predominately poor and African American residents of Chester by permitting a large number of waste treatment and waste handling facilities in Chester. Chester has a minority population of approximately 70 percent. The lawsuit was brought under Title VI of the Civil Rights Act of 1964 alleging discriminating use of federal funds. Soil Remediation Services,

Inc. (SRS) applied for a permit in Chester with PADEP to process contaminated soils. This facility if permitted would have resulted in 9 of the 11 permitted waste handling facilities in Delaware County being located in Chester. The citizens alleged that the cumulative affect of the citing of a large number of waste facilities in Chester violates Title VI. The U.S. District Court tossed out the suit, ruling it could not go forward because residents alleged only a discriminatory effect, not discriminatory intent. That ruling was later reversed by the U.S. Court of Appeals for the Third Circuit, giving the residents the right to sue. Pennsylvania, fearing other suits, sought to have it heard by the United States Supreme Court. However, before the Supreme Court could rule on the merits of the lawsuit, SRS withdrew their permit application. CRCL then argued that because SRS withdrew their permit application there was no longer a "case in controversy" as required, therefore, the lawsuit was moot. The Supreme Court agreed ruling that the suit was moot because there was no longer a "case in controversy", however, the Supreme Court upheld the decision initially made by the U.S. District Court. Even though CRCL was defeated, they continue to stay in the forefront on the environmental issues facing Chester. EPA Region III communicates regularly with CRCL to address their concerns.

Thermal Pure, Inc., Chester, Pennsylvania

Thermal Pure System, Inc. has submitted a permit modification to the Pennsylvania Department of Environmental Resources (PADEP), which , if approved, would allow the now closed facility to change their medical waste autoclaving process and reopen the facility located in Chester, Pennsylvania. In addition to this permit modification, this facility needs to make operational and equipment improvements to comply with a Consent Decree signed by PADEP and Thermal Pure in February 1995 and modified in January 1998. This latest modification requires Thermal Pure to pay Pennsylvania a $26,000 fine as well as install new equipment. The Chester Residents Concerned for Quality Living (CRCL), the group that brought an unsuccessful Title VI complaint against PADEP in 1996, has asked EPA to investigate and address their concerns about the potential reopening of the Thermal Pure medical waste facility. EPA addressed these concerns and continues it's ongoing dialogue with CRCL. Thermal Pure, due to economic considerations, and due to local opposition, decided in 1999, not to pursue reopening the facility.

LTV Steel Company, Inc./Sun Coal and Coke Company, Pittsburgh, Pennsylvania

Sun Coal and Coke Company ("Sun") has submitted a permit application to construct and operate a new coke facility in the Hazelwood section of Pittsburgh, Pennsylvania. LTV Steel Company had previously operated a coke plant at the site until the spring of 1998. Coke had been produced at this site since the turn of the century. At the time LTV ceased operating the facility, EPA Region III had an outstanding enforcement action against LTV for violating the National Ambient Air Quality Standards under the Clean Air Act. The Sun permit application seeks to emit the same levels of pollutants as the old LTV coke plant. A local citizen's group, Citizens Helping Our Community ("CHOC") has requested that EPA investigate the failure of the permit application to comply with the rules and regulations of Article XXI of the Allegheny County Health Department's air regulations and LTV's collusion with Sun to circumvent environmental protection and Title VI of

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the Civil Rights Act of 1964. CHOC is requesting that EPA investigate the permitting process and enforce compliance with the Clean Air Act and Title VI to "prohibit the perpetuation of unjustified discriminatory effects upon the Hazelwood community." EPA received this request in late December 1998 and has not yet acted upon the request. A legislative prohibition does not allow EPA to pursue this matter using the Interim Guidance for investigating Title IV complaints. As of January 2000, Sun Coal and Coke Company has decided not to pursue the construction of the new Coke facility, however, CHOC continues to use this issue as their poster child to fight environmental injustices throughout Pennsylvania.

Diamond State Salvage, Wilmington, Delaware

Diamond State Salvage Company operated a salvage yard at 14th & Church Streets in Wilmington, Delaware from 1959 until 1992. The facility operations included the stripping and sectioning of materials including automobiles, automotive batteries, empty compressed gas cylinders, appliances, empty drums and tanks for the salvaging of valuable scrap metals. Metals reclaimed included aluminum, copper, iron, brass and lead.

During 1994, the Delaware Department of Natural Resources and Environmental Control (DNREC) conducted a Preliminary Assessment and Site Investigation (PA/SI) at the site in order to determine potential threats to human health and the environment. The PA/SI identified the contaminants of concern to be lead, polychlorinated biphenyls (PCBs) and polynuclear aromatic hydrocarbons (PAHs). These contaminants were found in the soils, surface waters and sediments at the site. Based on the results of the PA/SI, DNREC made a determination of imminent threat and in June 1995, DNREC referred the site to EPA. EPA then conducted a Removal Assessment at the site the results of which confirmed DNREC's findings.

In 1996, EPA, DNREC and Diamond State Salvage met to negotiate cleanup under DNREC's Voluntary Cleanup Program or Hazardous Substance Cleanup Act Program. The parties were never able to reach an agreement. In September 1996, EPA issued Diamond State Salvage a unilateral administrative order to cleanup the site. In October 1996, Diamond State Salvage informed EPA of their intent not to comply with the unilateral order. On September 8, 1998, EPA obtained access to the site to begin cleanup.

During this process, environmental justice issues concerning the site were raised by Wilmington City Councilman Samuel Guy and local activist Emery Graham who is the head of the Wilmington Brownfields pilot grant. The concerns they raised were that EPA, and especially DNREC, were not concerned with the welfare of the surrounding predominately African American community and that the cleanup remedy chosen for the site was not appropriate. Councilman Guy and Mr. Graham were concerned that the community was not fully involved in the remedy selection process and that the more expensive remedy was not chosen. They also stated that they believe EPA and DNREC were not sensitive to economic possibilities at the site since the original cleanup remedy called for capping the site which would leave the waste on site.

The EPA Site Team did an extensive community outreach and education initiative that included

meetings with elected officials, civic groups, the media and a door-to-door effort at homes and business around the site. Delaware's Department of Public Health also offered free lead screening for everyone in the area. No Environmental Justice issues were ever raised by residents in the area. The Environmental Justice issues at the site, which were raised by the elected officials, have subsided mostly because of the site team's outreach efforts, and because Councilman Guy and Mr. Graham found no basis for their claims. Coincidentally, after Councilman Guy and Mr. Graham had lost interest, additional environmental data from the site has allowed the original cleanup remedy to be modified to include removing the majority of the contaminated soils from the site with limited capping a possibility. In January and February 2000 (weather dependent), EPA will begin the installation of a fibre containment system to allow for cleanup of streambank contamination along the Brandywine River.

Davis Oil Company, West Chester, Pennsylvania

Davis Oil Company is a gasoline and home heating oil storage and transfer facility located in West Chester, Pennsylvania. The facility is located across the street from a predominately low income African American neighborhood. A number of the residents have complained to EPA and the Pennsylvania Department of Environmental Protection (PADEP) about sloppy operations at Davis Oil and two storage lots across from the facility in the residential area which contain old tank truck carcasses and old gas pump carcasses. Green Delaware, an environmental activist group, has been acting on the resident's behalf in an attempt to have EPA and/or PADEP take action against Davis Oil to ensure better operational practices. The facility has 18 underground storage tanks, one of which has been closed, and one above ground storage tank. On January 25, 1999, a representative from EPA Region III's Office of Enforcement, Compliance and Environmental Justice visited the adjacent neighborhood across from the facility at the request of Green Delaware. EPA then contacted PADEP and discussed the facilities' compliance status in regard to RCRA tank regulations. PADEP is the lead enforcement agency for this potential case. On May 26, 1999, PADEP ordered Davis Oil to shut down its gas station and tank yard and fined the company nearly $958,000. PADEP alleges that Davis Oil violated UST regulations which include the failure to conduct proper leak detection, failure to register tanks, failure to comply with upgrade requirements, and failure to use certified tank installers. Davis Oil may appeal the PADEP order with the Environmental Hearing Board.

Bio-Oxidation, Inc., Harrisburg, Pennsylvania

An Environmental Justice crisis was averted, during the summer of 1998, when Bio-Oxidation, Inc. withdrew their permit application for the construction of an infectious medical waste autoclave facility in Harrisburg, Pennsylvania. The facility would have been built in a low income Hispanic and African American community without the community's health and quality of living concerns adequately addressed. The operation of the facility would have greatly increased truck traffic in the area around the plant but also would have increased traffic in an African American neighborhood across town where the partially treated wastes would have been trucked from the Bio-Oxidation facility to the Harrisburg Incinerator for final incineration. Neither community had their concerns adequately addressed by the state or by Bio-Oxidation. In fact, the Harrisburg Housing Authority

had granted a variance to allow the facility to be built in close proximity to public housing units without properly notifying their sister federal agency (HUD). EPA Region III met early on in the permit siting process with the Pennsylvania Department of Environmental Protection to discuss the potential environmental justice issues they would face as the permitting agency should they approve the siting and permitting of the Bio-Oxidation facility. As a result of an educated public protest and media attention, and early discussions between EPA and PADEP, Bio-Oxidation withdrew their permit application. This was seen as a major victory for the communities which would have been disproportionally affected by the construction of the infectious waste facility.

Marjol Battery Site, Throop, Pennsylvania

The Throop, Pennsylvania Borough Council prepared and presented a report to EPA in February 1999, which they believe identifies Throop as an environmental justice community due to the income level of it's residents. The Marjol Battery RCRA Corrective site is located in Throop. The Borough is requesting that EPA treat their community equitably with regard to the final clean-up plan for the Marjol site. The report compares EPA clean-up plans at other battery and lead waste sites across the country with the EPA plan for Marjol. The Borough contends that other communities comparable to Throop economically as well as communities better off financially had more comprehensive site clean-up plans.

Passyunk Homes, Philadelphia, Pennsylvania

The Passyunk Homes is a low income housing project located in South Philadelphia which is owned and managed by the Philadelphia Housing Authority (PHA). PHA receives funding to manage the homes from the federal Department of Housing and Urban Development (HUD). Approximately one million gallons of petroleum sits on top of the groundwater beneath the Passyunk Homes, Sun Oil Company and the Defense Supply Center Philadelphia (DSCP). DSCP is a federal facility which is operated by the Defense Logistics Agency. The oil plume was caused by past industrial practices in the area. Sun Oil Company, DSCP and the Pennsylvania Department of Environmental Protection (PADEP) signed an Agreement in 1997 whereby DSCP and Sun Oil will jointly remediate the oil plume beneath South Philadelphia. Sun Oil is also required by a 1990 Order with PADEP to address the oil plume. The Agreement between DSCP, Sun Oil and PADEP expired on August 1, 1999, however, the removal of the oil from the groundwater continues. PHA and HUD are concerned about petroleum vapors and any potential health affects on the Passyunk Home residents, and the fact that the Agreement expired last summer. PHA has a stake in the oil recovery project because of the potential health affects on the residents and the fact that the hydrocarbon recovery system is located on PHA property.

OECEJ was involved in discussions with PHA and HUD to ensure that the environmental justice concerns of the residents were addressed. The Passyunk Homes are located in an area which already showers environmental stresses upon the residents. OECEJ wanted to ensure that the oil recovery project did not increase the environmental stressors on the residents of the homes. PHA and HUD are currently in the process of closing the Passyunk homes. At the time of the writing of this report, March 28, 2000, 500 of the 600 residents of the Passyunk homes have been relocated by

PHA and HUD. The remaining 100 families will be relocated by the end of this summer. The oil recovery project has drawn considerable Congressional interest.

Former Nansemond Ordnance Deport, Suffolk, Virginia

The Former Nansemond Ordnance Deport is located in Suffolk, Virginia, near the northwestern end of State Route 135. The site encompasses 975 acres and is bordered by the James River and the Nansemond River. The use of the property before 1917 is not known, however, local historians claim that the Confederate Army had an artillery battery on the site during the Civil War. During the next 50 years the site was used by the Department of the Army as an ordnance depot and the U.S. Navy as a Marine Corps Supply Forwarding Annex.. In June 1960, the facility was declared excess by the Navy and was split up into a number of parcels, some of which were sold to private parties, and designated for a variety of uses. The site was placed on the NPL in early 2000. However, EPA work at the site had commenced years earlier. EPA performed a removal assessment of the beachfront area in 1995 to remediate buried live ordnance. Additional EPA investigations uncovered more live ordnance. During intrusive work, in 1999, to remove the buried live ordnance from the beachfront area ,the workers unearthed the remains of what appeared to be a member of the Nansemond Indian tribe. Because of this issue and other historical issues surrounding the remediation of the site, the Virginia State Historic Preservation Officer (SHPO) wrote to the Region III Regional Administrator requesting that all work at the site stop until compliance issues with the National Historic Preservation Act have been discussed. As a result of these events, Region III has committed itself to negotiate a Memorandum of Understanding with the Virginia State Historic Preservation Officer (SHPO), the Army Corps of Engineers, and other consulting parties by June 1, 2000, to cover all site activities. OECEJ is committed to meeting with the appropriate Indian entities to address their environmental justice concerns such as arrangements to recover ancestral remains and cultural artifacts that may be unearthed during intrusive work at the site. OECEJ is scheduled to meet with the Nansemond tribe on April 4, 2000 and the SHPO and the Army Corps on April 5, 2000.

Logan Homes, Philadelphia, Pennsylvania

Logan is a residential neighborhood located in North Philadelphia. Fifty years ago portions of the neighborhood were built upon filled in sections of Wingohocking Creek. For the past 30 years many of the homes, as a result of the underlying creek, began to shift and sink rendering many of the homes inhabitable. The City of Philadelphia tore down a number of these homes during the 1990's in a 17 block area. Logan residents and community activists remained concerned about a potential lead hazard from the fill which the city used to fill in the lots. Also, a potential lead hazard may exist due to the tearing down of these older homes which contained paint containing lead. As a result of the community's concern, during 1999, EPA Region III's Superfund Removal Branch took soil samples from 230 locations in the 17 block area. The results showed 6 areas having elevated levels of lead in the soil. EPA is currently working with Philadelphia's Health Risk Management Department to address those areas of concern. Tentative plans call for the contaminated soil to be removed, the areas leveled with clean fill and grass planted to prevent erosion. The soil removal may

commence in early spring 2000 and continue for several weeks. In the interim, the 6 areas with elevated lead levels will continue to be fenced off and advisories posted to deter trespassing. The fences will be taken down, by EPA, from the non-hazardous areas. The Logan section is primarily African American. The community, especially the Harold O. Davis Memorial Baptist Church congregation, is intensely involved with this issue. The Philadelphia Health Department is offering free blood lead screenings to all young children in Logan.

Middletown Proposed Sludge Processing Plant, Middletown, Pennsylvania

The Harrisburg, Pennsylvania Chapter of the NAACP has accused Middletown Borough officials with "environmental racism" as a result of the Borough obtaining a PADEP permit to construct and operate a sludge processing plant at the Middletown wastewater treatment plant. The NAACP contends that the construction of the plant would affect African Americans more than any other segment of the community. The Borough contends that they are building the sludge plant at the wastewater treatment plant because it is the only feasible location. As of March 28, 2000, the controversy surrounding the sludge processing plant has greatly subsided because of the recent efforts of the Sewer Authority to disseminate information to the affected community. For example, the Sewer Authority has held a public hearing and an open house. EPA will continue to monitor this situation and assist PADEP if asked.

Chesapeake Bay Program

EPA Region III's Anacostia Ecosystem Initiative

Background:

The Anacostia Ecosystem Initiative has been underway since 1994 to focus EPA's programs and activities in the Anacostia River watershed and surrounding communities. The main goals are:

1) Restoring the river and watershed with a focus on compliance, enforcement, and hazardous waste site clean-up activities; coordination of restoration activities at federal facilities; and greater controls over combined sewer overflows and stormwater.

2) Reducing risks to the community on a multi-media basis; addressing environmental justice issues and human health threats; and increasing community awareness and involvement of the issues.

Key Progress This Past Year

Anacostia River Initiative (HSCD Lead)
The Anacostia River Initiative targets investigations and cleanups at several sites along the Anacostia River in Washington, DC that may have an impact on the river. These sites include Camp Simms, Barney Circle, St. Elizabeth's Hospital, Washington Gas and Light, the Southeast

Federal Center, and Bolling Air Force Base. Investigations are also being conducted at the Kenilworth Landfill and the US National Arboretum.

Anacostia Watershed Toxics Alliance (HSCD Lead with CBP Support)
A public-private partnership to develop a comprehensive plan for assessment and remediation of contaminated sediments in the Anacostia River was established in 1999. A Phase I characterization of human health and ecological risk has been completed based on available data. Phase II work will involve filling data gaps and determining remediation strategies to reduce human health and ecological risks.

Anacostia/Ward 8 Child Health Champion Collaborative (ESD Lead)
Implementation of this pilot project entails the creation of a children's website, activities book, and television program explaining the health hazards of poor indoor air quality. Completion is expected in the fall of 2000.

Outreach and Education Activities (CBPO Lead)
July, 1999 - A site tour of areas in the Anacostia watershed was conducted for EPA HQ OECA Office of Compliance managers and staff. The tour included stops at the Bladensburg Marina, Kenilworth Park and the Earth Conservation Corps pumphouse.

November, 1999 - An "Environmental Justice Listening Forum" was sponsored by CBPO for residents of the Anacostia community to express their concerns about local issues. The program continues to be broadcast on DC Cable Television.

March, 2000 - A presentation on environmental education and outreach in the Anacostia watershed and Chesapeake Bay was conducted for the Greater Washington Urban League's Capital Area Council and Affiliates week-long training program for regional coordinators. The conference entitled, "Cultural Diversity and Capacity Building - Environmental Education in the New Millennium" was sponsored by the GWUL's Office of Environmental Programs and Diversity Employment.

Sustainable Development Challenge Grants Program (CBPO Lead)
Two projects are currently underway in the Anacostia watershed: the Ivy City Deconstruction, Job Training and Business Development Project; and the Anacostia Eco-Nursery Project.

Key Issues/Activities for the Coming Months
Anacostia Waterfront Revitalization MOU, March 2000. EPA will join GSA, NPS, other federal agencies and the mayor of the District of Columbia in a commitment to ensure environmentally sensitive and equitable development along the shoreline of the Anacostia River.

Anacostia CSO Trash Trap Installation, April 2000

Kingman Lake Wetland Restoration Project anticipated completion Fall 2000

Environmental Services Division

King William Reservoir: EPA and the Corps of Engineers

Region III's Environmental Services Division has been working on the King William Reservoir (KWR) development project in King William County, Virginia, a proposed drinking water supply to meet the future needs of Virginia's Lower Peninsula, for ten years. Our primary responsibilities are for project technical review and comment. This responsibility comes from our authorities under the National Environmental Policy Act (NEPA) and section 404 of the Clean Water Act.

Construction of the KWR would result in the unavoidable loss of approximately 437 acres of non-tidal, palustrine wetlands, inundation of 21 miles of stream channel, and loss of approximately 1,457 acres of forested upland habitat some of which contain mature forest. Inundation of the Cohoke Creek stream valley would also affect 55 pre-historic archaeological sites (identified as prehistoric campsites, bivouacs and potentially burial grounds) found within the KWR pool area. These sites and five Traditional Cultural Properties were considered potentially eligible for inclusion in the National Register of Historic Places. Due to the proximity of the proposed project to Native American populations, the project also has the potential to result in disproportionately high and adverse environmental effects to a minority population as described by Executive Order 12898 on Environmental Justice.

EPA Region III has been wholly engaged in the KWR review process and our expertise was fully considered by the Norfolk District Corps of Engineers (COE). EPA actively participated on interagency teams formed for the Habitat Evaluation Procedure (HEP) study, the wetland mitigation planning, determination of appropriate minimum instream flow values and development of the Mattaponi River monitoring protocol. The COE also regularly consulted with EPA on issues concerning environmental justice. EPA provided the COE with funds ($25,000 Interagency Agreement) to be used for the expertise of an ethnographer/anthropologist to conduct the TCP study and analysis of environmental justice concerns.

As a result of interagency coordination with the COE, Region III was able to have significant impact on the project design which has resulted in less wetland and terrestrial impacts. The RRWSG reservoir proposal (KWR IV) in the Final Environmental Impact Statement calls for a 1,481 acre pool, 437 acres of which are wetlands. This is 216 acres less wetland impact than the original KWR I proposal. These changes represent a 33% reduction in wetland impacts and a 35% reduction in the overall size of the reservoir.

The proposed reservoir contains a closed landfill within its watershed. Region III Emergency Response Center sampled the landfill to determine if any imminent and substantial threat to public health, welfare or the environment existed from potential dioxin contamination at landfill #505. Region III provided this information to the COE for use in their review of project impacts.

MonFayette Transportation Project:

The Pennsylvania Turnpike Commission is continuing to evaluate the proposed project between SR 51 in Jefferson Borough, Allegheny County to I -376 in the City of Pittsburgh. We are

currently attempting to schedule a field view for EPA Environmental Justice staff.

The draft Environmental Impact Statement (EIS) for the Uniontown to Brownsville portion of the project, was reviewed and in general EPA concurred with the Turnpike's preferred Northern Alternative. There were no concerns from EJ staff or the Air Division with the document.

Central Susquehanna Valley Transportation Project:

This project is located in Union, Northumberland, and Snyder Counties in Pennsylvania, and involves the relocation of US Routes 11 and 15 from Sellingsgrove to Route 147. A pre-draft EIS is expected in April 2000. As of February 2000, PADOT is preferring the Da Modified Avoidance alternative. EJ issues will be thoroughly analyzed and evaluated. EPA requested additional information regarding EJ issues which will be provided in the document. The Da Modified Avoidance alternative appears to impact fewer natural resources and residences.

Allentown Northeast Access Study:

The project is still in the early planning stages. EJ issues will be thoroughly analyzed and evaluated.

SR 41, Chester County:

This project is evaluating small bypasses around the villages of Avondale and Chatham and the widening of Route 41. The project is currently in detailed studies and a draft EIS is expected in early 2001. PADOT is working closely with EPA on numerous issues with the project. They are also trying many methods to reach the community. It appears that many of the mushroom farm workers are hesitant to be involved with the project due to their status in the country. EJ issues will be thoroughly reviewed and evaluated. A field view will be planned with EJ staff.

Hazardous Site Cleanup Division

The Division EJ coordinator checked the Title VI Web Page for the status of sites which are "under review" or "accepted" by EPA. At this time, there are no sites listed on the Title VI Web Page which concern or involve a Region III Superfund Site.

Community Involvement and technical staffs evaluated the following remedial and removal actions for their EJ potential:

Logan Section Site:

EPA sampled vacant lots in the Logan Section of Philadelphia and found six specific, limited areas with elevated lead levels in soil. The City of Philadelphia has agreed to perform the cleanup with EPA's oversight. EPA expects to have a consent agreement signed by March, 2000

and recommends that cleanup begin in early spring. The Logan section comprises a predominately African-American community whose spokespersons are vocal in being dissatisfied with the City's handling of unrelated subsidence and relocation issues which took place over the past 14 years. Two U.S. senators, the Congressman and the Mayor have expressed support in ensuring that the site is clean. But the community's main concern is the site's future development. Philadelphia's TV, print, and radio media have covered Logan's subsidence problems (since 1986), as well as EPA's recent involvement.

Lower Darby Creek, Philadelphia and Delaware Country, PA:

The site is located in Southwest Philadelphia and Southeastern Delaware County. EPA is assessing parcels of land in Philadelphia, Delaware County and on the Tinicum Wildlife Refuge, which is land stewarded by the U.S. Department of the Interior. The community in Philadelphia is African-American, while the Delaware County community is predominately Caucasian. The Philadelphia housing development was built in 1970 and subsidized by the City of Philadelphia and the Department of Housing and Urban Development. Without disclosure agreements the inner-city buyers looking for better housing did not know and weren't informed about the presence of a landfill under their properties. The Eastwick community residents from Philadelphia, under the banner of the Saturn Place Committee, have three concerns: residential contamination from Clearview Landfill runoff during Hurricane Floyd flooding; health impacts from the proximity of the landfill (ATSDR has agreed to perform a health consultation); permanent relocation which the City has agreed to discuss, if it were limited to a small number of homes in the most severely affected area. The residents also believe that they are living in a cancer cluster. EPA did a hazard ranking of the landfill back in the mid 1980s and the site did not score high enough to be placed on the NPL. EPA is attending various township and community meetings in both Philadelphia and Delaware County to inform residents of the cleanup plans. Members of Congressional Delegation have also met with the residents. The site is being considered for NPL listing and sampling plans are being prepared currently. Region III is implementing enhanced community relations.

Abex Site, Portsmouth, VA:

In April, 1998, the Washington Park Lead Committee filed a class action law suit on behalf of a group of residents against EPA, HUB, the City of Portsmouth, the Portsmouth Redevelopment and Housing Authority and Pneumo Abex Corporation, the former operator at the Site. In their Complaint, the plaintiffs asserted, among other things, that EPA helped to perpetuate racial segregation at the Washington Park Housing Project ("WP"), by selecting a cleanup remedy that did not provide for the permanent relocation of all residents living in WP.

On or about February 17, 2000, the District Court entered an Order granting preliminary approval to a proposed Consent Decree agreed to among the parties to the litigation, which provides for the demolition of WP and permanent relocation of its residents. The proposed Consent Decree further provides for the scheduling of a "Fairness Hearing" within 45 days of the Court's preliminary approval, during which time, Members of the Class who wish to object to the terms

of the proposed Agreement may submit written comments to the Court. The Fairness Hearing is scheduled for April 12, 2000, in Norfolk, Va.

Because this case is still in active litigation, information concerning the proposed Consent Decree must be obtained through Region III's Office of Regional Counsel.

Anacostia/Washington, DC:

EPA Region III Superfund's Federal Facilities Program continues its active involvement in the Anacostia area of DC. and has formed the Anacostia Toxics Workgroup. Superfund has the lead at the Washington Navy Yard NPL site cleanup. It has also been involved in such diverse sites as: Southeast Federal Center, Barney Circle, Camp Sims, Washington Gas & Light, St. Elizabeth's Hospital and Bolling Air Force Base. Remedial actions have occurred at the Washington Navy yard, Washington Gas & Light, Bolling Air Force Base and Barney's Circle in March, 2000. The Navy will be taking a look at sediments in the Anacostia River this spring.

Federal Facilities:

Federal Facilities is currently looking at its list of Formerly Used Defense Sites to determine an appropriate cleanup and communication strategy in FY 2000. There are approximately 672 sites in Region III on the list. Of that number, some are on the NPL already, others are in CERCLIS (either assessed or waiting to be assessed) and some are not in CERCLIS at this time. Federal Facilities will work with the U.S. Army Corps of Engineers to see which sites need to be addressed first. In the meantime, Community Involvement staff and the Division EJ coordinator will be checking with Federal Facilities to pinpoint those sites and areas most likely to involve classical environmental justice issues.

Vermiculite Mine and Processing facility assessments:

Region 3 is planning to assess vermiculite mines in the region. As facilities are identified, a file review of all regulatory programs will be conducted as part of the background check and compliance history. If appropriate, Multi-Media inspections will be targeted for active sites. ATSDR and the State Departments of Health will help in distributing the assessment strategy. The Hazardous Site Cleanup Division's Community Relations staff will coordinate the Region's response to inquiries, complaints and requests for information. The Division EJ coordinator will check to see if any affected workers, groups of workers, or communities of exposed workers are likely to present classical environmental justice issues.

The Office of Policy and Management (OPM) has put together a list of projects and support activities that have an environmental justice element or impact. The list includes specific projects that have been completed or ongoing support activities.

Questions concerning these projects may be directed to Wendy Bartel, Information Systems Branch at 7-5341.

1. Special Emphasis Programs

The Region's Special Emphasis Programs continue to establish projects and sponsor events that benefit many people in Philadelphia and its surrounding communities. The SEPs continue to increase their community outreach efforts, through:

- adopting local schools
- developing special programs to address environmental issues in communities of high-risk
- developing appropriate ways to communicate with and involve these communities

In their efforts to provide information to their constituent groups in the communities they have used a variety of methods, including:

- Storm drain stenciling projects - painting "Dump No Waste - Drain to River" on over 100 storm drains.
- Taking students from at risk communities on field trips to participate in a water quality monitoring event.
- Educating students in areas of environmental concern.
- Developing a six part environmental education series on topics including, lead, global warming and polar animals, environmental education, recycling, hazardous waste and a moon suit demonstration.
- Attending career fairs with employees who represent various disciplines.
- Training middle school students in a summer program in the Agency to go out into their communities and train others.
- Developing a mentor/shadow program for high school students to train with employees.
- Working with a local high school to restore a pond.
- Hosting workshops on non-point source pollution, recycling, and Superfund emergency response; and,
- Hosting a science fair to aid with motivating 43 young female high school students to continue to pursue a math and science curriculum.

The contact person is Cynthia Burrows (3PM00) at 4-5326.

2. Minority Business Enterprise/Women-owned Business Enterprise (MDE/WBE) Utilization Program

Recipients of EPA financial assistance through grants, cooperative agreements and loans award a fair share of contracts/procurement to small, minority and women's businesses. Since each is a separate entity, the objective is to assure that each of these three business entities is given the opportunity to participate in contract/procurement awards under EPA financial assistance agreements. This policy applies to all contracts/procurement for supplies, construction equipment and services under any EPA grant or cooperative agreements. It also applies to any Interagency Agreement where supplies, construction, equipment and services are being contracted out. The Small and Disadvantaged Business Utilization Program Manager (SDBUPM) is responsible for tracking and reporting on the success of this program. The Grants Management Branch is responsible for ensuring that the recipients comply with the provisions of the program. This is an on-going activity. The contact person is Romona A. McQueen, SDBUPM, (3PM00) at 4-5155.

3. GIS Program

The Information Systems Branch (ISB),through support provided by the GIS Team, continues to provides necessary data and GIS technical support for Environmental Justice initiatives undertaken by other divisions in the Region. One significant effort in support of EJ initiatives was the development, deployment and maintenance of Environmental Mapper which is a GIS ArcView desktop screening and mapping tool that is used by many of the Regional program offices to identify potential EJ sites. This package was developed as a team effort by David West (ISB), Reggie Harris (OECEJ), James Thompson (CID) and Debra Forman (WDMC), This activity is ongoing. The contact person is Wendy Bartel (3PM50) at 4-5341.

4. Environmental Justice Small Grant Program
Environmental Justice Through Pollution Prevention Grants

The Grants Managment Office (GMO) is responsible for providing pre-application assistance to applicants; receiving and tracking pre-application submittals; reviewing and approving projects for award from an administrative perspective; and, preparing award documents. GMO also has some post award administration responsibilities such as reviewing requests for changes, e.g., rebudgets, time extensions; reviewing and approving final financial status reports; and assuring that the grant is administratively closed when the project period has expired. The contact person for these programs is Kathy Duran, at 4-5441.

5. Strategic Planning Updates

- Environmental Justice Study

The Strategic Planning and Management Branch (SPMB) completed the EJ study in 1994. The study was confined to 500 RCRA TSD facilities to establish base-line demographic data on facility placement, permitting and enforcement actions in Region III. The study results showed no significant impact of permitting and enforcement equity problems within the Region.

Maryland Comparative Risk Project

The environmental risks to the citizens of the State of Maryland were identified and ranked according to severity. The state completed the activities for this project.

Elizabeth River Futures Project

The environmental risks to the study area along the Elizabeth River in Norfolk, VA were identified and the project was completed in 1995. The communities at highest risk were identified, the risks were ranked according to severity and a plan to address them was prepared.

Thomas Jefferson Planning District Risk Assessment

This project was completed in 1996. The environmental risks were identified within the study area covering five counties centered on Charlottesville, VA. The communities at highest risk were identified, the risks were ranked according to severity and a plan to address them was prepared.

GIS Community Grant Study

The SPMB conducted and completed a study in 1998 of the Community Grant programs within Region III. There are currently nine different Community Grant programs available in the Region. The study covered the years 1989 to 1997. The purpose of the study was to learn and illustrate how many different Community Grants go to specific communities.

Waste and Chemicals Management Division

Children's Health and Environmental Justice

The Waste and Chemicals Management Division's
Focus on Vulnerable Populations

March 1, 2000

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Vulnerable Populations

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," ("Executive Order") that focused the attention of Federal agencies on the environmental and human health conditions of minority and low-income communities. On April 21, 1997, President Clinton signed *Executive Order #13045* encouraging Federal Agencies to ensure their policies consider disproportionate risks to children that result from environmental health or safety risks. The U.S. Environmental Protection Agency has since established the *Office of Children's Health Protection* to assist in implementing this goal. Each of these actions recognizes that some segments of the population are more vulnerable to harm than the general population.

In cooperation with our State partners, we continue to place emphasis on implementing the Waste and Chemicals Management Division's Children's Health Initiative and Environmental Justice Strategy and have taken action to protect vulnerable populations by focusing program activities in densely populated areas. As noted in these reports, it is evident that not all vulnerable populations live in our cities and concentrating our activities on cities and urban centers may not effectively reach high density vulnerable populations who reside outside the boundaries of our major cities.

WCMD's progress on the measurements outlined in our Children's Health Initiative and Environmental Justice Strategy is presented here. We recognize that each measure has a definite character and have adopted the Chesapeake Bay hierarchy of measures to express the level of intent for each measure. Program activities and measures are also considered in the context of the *Government Performance and Results Act (GPRA)* goals, Regional Priorities and issues highlighted within our existing Performance Partnership Agreements. A list of these goals and issues are included in Appendix I of this report for easy reference. Appendix II describes the criteria for selecting target areas within Region III and outlines a preliminary communications strategy to introduce the proposal to our stakeholders.

Definition of Measures

Each measure has a distinct purpose expressing the level of environmental change. At any point in time, jurisdictions, expertise and resource constraints will influence the choice of measures, therefore we view these measures as a continuum, striving to effect changes in the health or ecology of the Region, moving toward level 6. Governmental contributions at the lower levels may be appropriate while cultivating partnerships with other entities in order to achieve level 6. The level, 1,2,3,4,5 or 6 is indicated beside each measure

Hierarchy of Measures: This is how we measure environmental change (Chesapeake Bay Program/ Environmental Indicators)					
Administrative		*Environmental*			
Level 1	*Level 2*	*Level 3*	*Level 4*	*Level 5*	*Level 6*
Actions by EPA State Regulatory Agencies	*Responses of the Regulated Community*	*Changes in Discharge/Emission Quantities*	*Changes in Ambient Conditions*	*Changes in Uptake and/or Assimilation*	*Changes in Health, Ecology or other effects*

Progress Report: 1st Quarter FY2000

(pending activities reported from February 24-March 30)

Program	Level of Environmental change		Current Measure	FY99 and 1Q FY2000 activities
RCRA	Permitting & Cleanups	1	Increase # of corrective actions in targeted areas	All RCRA HiNCAPs corrective action sites have been screened for potential environmental justice issues and targeted for children's health. Currently, 8 facilities are in areas targeted for children's health. Of these, both environmental indicators have been achieved for 2 sites, groundwater has been controlled at 2 sites, site evaluations have been performed at 2 sites, 1 site is scheduled for inspection, and 1 site is being handled by the CERCLA program.
		4	Increase # of children included in "human exposures controlled" at RCRA Corrective Action sites	During FY99, 16 sites achieved both environmental indicators (EI), "human exposures controlled" and "groundwater releases controlled". Approximately 11,200 children lived within 1 mile of these sites and 7 sites were in potential environmental justice areas. During 1Q2000 (to date), 18 sites achieved EIs, with approximately 14,500 children within 1 mile of these sites and 8 in potential environmental justice areas. Permits: The Environmental Forum VIII on the United States Chemical Weapons Destruction Program has included Environmental Justice as an external goal for these meetings in support of the Chemical Weapons Destruction Program. The Aberdeen Chemical Destruction Facility, which was issued joint State and EPA RCRA permits has been screened for potential environmental justice areas.
UST/ LUST	Inspection Activity/ Targeting	1	Increase # of inspections in targeted areas	During 1Q2000, 1 enforcement action was located in a potential environmental justice area (total 4 actions in 1Q2000)
TSCA (Lead)	Compliance Monitoring/ Enforcement	1	Increase the # of enforcement actions taken and compliance with orders for lead-safe or lead free housing	4 enforcement actions were issued in potential environmental justice areas during 1Q2000. All actions are targeted to protect children's health. (Total of 4 actions during 1Q2000)
	Compliance Assistance/ Outreach	1	Number of educational activities performed, e.g. neighborhood coalitions formed, educational materials distributed, hot line calls	13 educational outreach to the public and regulated community. In addition, responded to an estimated 500 calls during 1Q2000.
EPCRA	Inspection Activity/ Targeting	1	Increase # of inspections in targeted areas, i.e. screened EJ and children's health target areas using Region III's Data Integration and Analysis (DIANA) GIS system.	All inspections routinely screened for environmental justice and children's health targets. During 1Q2000, 7 actions were issued in potential environmental justice areas. (17 actions total in 1Q2000)
FIFRA	Compliance Assistance/ Outreach	1	Promote worker knowledge of the protections the Worker Protection Standard (WPS) provides, ensuring worker access to mechanisms and/or information that affords relief when a lapse(s) in protection occurs.	WCMD pesticides web page updated, complete with links to WPS information.

Program Measures

➢RCRA

The RCRA Subtitle C program establishes a regulatory framework for managing hazardous waste from generation until ultimate disposal. RCRA also includes requirements for investigation and cleanup of hazardous releases. The primary goals of RCRA are to: 1) Protect human health (including sensitive subpopulations such as children) and the environment from the potential hazards of waste disposal; 2) Conserve energy and natural resources: 3) Reduce the amount of waste generated; 4) ensure that wastes are managed in an environmentally sound manner; and 5) direct cleanups at RCRA facilities.

In addition to the link with Goal #9: Credible Deterrent to Pollution and Greater Compliance with the Law, the goals of the RCRA program are strongly linked to GPRA Goal 5: Better Waste Management and Restoration of Contaminated Waste Sites. This goal ensures that EPA will work towards the cleanup of previously polluted sites and restoration for community uses. This goal is also consistent with the objectives described in the National Performance Partnership Agreements.

Inspection activity/Inspection targeting

Current Measures:

- 1 Increase # of inspections in targeted areas.

Compliance Monitoring/Enforcement

Current Measures:

- 2 Increase compliance rate in targeted areas. Compliance rates will be defined by the number and quality of compliance within the regulated community. This may be measured through compliance assistance response, SEPs and other responses of the regulated community.
- 2 Increase compliance with O&M/CME requirements at land-based units in targeted communities.
- 2 Increase compliance with orders and permits for hazardous waste sites (hazardous waste, including pesticides, asbestos and lead, Corrective Action, Subtitle C, Subtitle D)

Permitting and Cleanups

Current Measures:

- 1 Increase # of corrective actions in targeted areas.
- 3 Implement HQ initiatives for risk assessment at combustion facilities, recognizing children as a sensitive subpopulation and indirect risks to children through food chain exposures.
- 4 Increase # of children included in "human exposures controlled" at RCRA Corrective Action sites.
- 4 Increase # of children with reduced exposure due to drinking water improvement
- 4 Reduce # of uncontrolled dumpsites in targeted areas

Compliance Assistance/Outreach

Current Measures: None

Future Measures:

- 1 Extend WCMD program outreach related to household hazardous waste collection. On the local level, communities that have several farms may offer household pesticide collection that may be trackable. Potential local contacts for this may be the Local or County Department of Public Health, or Local or County Department of Solid Waste

➤UST/LUST

The RCRA Subtitle I UST/LUST program establishes regulations that require owners and operators of new tanks and tanks already in the ground to prevent, detect and clean up releases. The LUST Trust Fund was created to be used for two purposes: 1) To oversee cleanups by responsible parties; and 2) To pay for cleanups at sites where the owner or operator is unknown, unwilling, or unable to respond, or which require emergency action.

The UST/LUST program's goals focus on GPRA Goals #2 and #5. Goal #2: Clean and Safe Water commits the EPA to work toward effective protection of our water systems, so that all citizens, including our children, will have clean and safe water to drink. Goal #5: Better Waste Management and Restoration of Contaminated Waste Sites ensures that EPA will strive to reduce or control risk at sites contaminated by leaking underground storage tanks. These goals are also consistent with objectives described in the National Performance Partnership Agreements.

Inspection activity/Inspection targeting

Current Measures:

- 1 Increase # of inspections in targeted areas

Future Measures:

- 2 Report leak detection, upgrade, closure and follow-up inspections

Compliance Monitoring/Enforcement

Current Measures:

- 2 Increase compliance rate with UST leak detection requirements and 1998 upgrade requirements in targeted areas.

Permitting and Cleanups

Current Measures:

- 3 Number of alternate water supplies provided in threatened groundwater by utilizing GIS coverages from the wellhead protection program.

Compliance Assistance/Outreach

Current Measures: None

Future Measures:

- 2 Report onsite compliance assistance

➤**Waste Minimization**

The goals of the Region III Waste Minimization Program follow from the Waste Minimization National Plan goals, which are to 1) reduce the volume and toxicity of the most persistent, bioaccumulative, and toxic (PBT) chemicals in hazardous waste by 25% and 50% by the years 2000 and 2005, respectively; 2) prevent cross-media transfers of hazardous wastes; and 3) emphasize source reduction and environmentally sound recycling over waste treatment and disposal.

To accomplish these goals, the Region III Waste Minimization Program will develop a PBT target list and targeting strategy, implement a Recognition Program to motivate industry to change its waste generation practices, implement an outreach and education program, and organize technical conferences and publicize success stories to share technological advancements and waste minimization strategies among Region III businesses.

The Region III Waste Minimization Program will support the goals of the WCMD Children's Initiative. Once the PBT list is developed (i.e., by State, those sectors

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Mail code 3201
1200 Pennsylvania Avenue NW
Washington DC 20460

or specific facilities that generate the largest amounts or greatest toxicity of PBT chemicals) and combined with other chemical indexing data, the Waste Min team will focus its efforts within a subset of facilities having the greatest potential to negatively impact the Region's children.

Through the planned reduction of PBT chemicals, the Waste Minimization Program is linked with GPRA Goal #4: Preventing Pollution and Reducing Risk in Communities, Homes, Workplaces and Ecosystems. This goal is aimed at developing pollution prevention strategies that will cost-effectively eliminate, reduce or minimize emissions and contamination.

Inspection Activity/Inspection Targeting and Compliance Monitoring

- The Waste Minimization Program's primary focus is compliance assistance. Waste Minimization principles are considered during the inspection targeting processes used by the multiple programs within the Waste and Chemicals Management Division (WCMD) and compliance assistance is offered to the regulated community during the enforcement process, but not typically during an inspection.

Compliance Assistance/Outreach

Current Measures:

- 2 Ensure that targeted facilities have in place working source reduction plans
- 2 Ensure that targeted facilities are implementing (or will plan to implement) effective waste minimization strategies in their operations
- 1 Increase awareness of EPA's waste minimization goals
- 2 Motivate any facilities that generate PBT or other hazardous wastes to adopt waste minimization strategies in their operations

Future Measures:

- 1 Analyze the PBT list to focus the measures noted above on those chemicals to which children are particularly susceptible through direct contact (e.g., any pesticides, lead, and other indoor air contaminants)

➤TSCA

The Toxic Substances and Control Act (TSCA) was mandated by Congress to

protect human health and the environment. The TSCA statute covers many areas and has regulations that provide important information that is vital to the public. The various sections of TSCA encompass matters that concern Lead, polychlorinated biphenyls (PCBs), the manufacturing and importing of new and existing chemicals and asbestos abatement planning. By actively inspecting facilities, providing compliance assistance to the regulated community and enforcing against violators of the regulations, the TSCA program will ensure a safer, more protected environment for children to go to school, reside and play.

The goals of all of the programs within TSCA in Region III are strongly linked to GPRA Goal #9: Credible Deterrent to Pollution and Greater Compliance with the Law. Within this framework, our objectives are to identify and reduce significant non-compliance and maintain a strong enforcement presence. At the same time, the Region will recognize and reward voluntary responsiveness of the regulated community through compliance incentives and assistance activities.

➤**Core TSCA**

The Core TSCA Program, which comprises Sections 4, 5, 8, 12, and 13 under TSCA, regulates the importing, manufacturing, and use of new and existing chemicals and chemical substances. Accurate information involving toxicity, environmental and health effects required for submission to EPA is essential for the program's success. Pollution Prevention (P2) and source reduction of various waste streams are often considered and discussed when conducting an inspection.

Inspection Activity/Inspection Targeting

Current Measures:

- 1 Increase in number of businesses to be inspected based on densely populated areas with surrounding chemical manufacturing facilities

Future Measures: None

Compliance Monitoring/Enforcement

Current Measures:

- 1 Increase in number of enforcement actions of facilities which do not report the manufacture and use of chemicals

Compliance Assistance/Outreach

Future Measures:

- 1 Conduct workshops/seminars to Customs Department personnel and the general public.

➤**Lead (Pb)**

Our strategy is to raise awareness among populations at greatest risk so that they have the tools and information to ensure that sales and rental transactions are in compliance with §1018 of the Toxic Substances and Control Act. Although this statute applies to all sellers and lessees of older housing, Region 3 is focusing compliance assistance and enforcement activities on landlords.

Inspection Activity/Inspection Targeting

Current Measures:

- 1 Increase # inspections performed in targeted areas, i.e. EJ areas using Region III's Data Integration and Analysis (DIANA) GIS system.

- 1 Track number of responses to tips and complaints.

Compliance Monitoring/Enforcement

Current Measures:

- 1 Use survey data provided by either state or local grantee and track EPA compliance assistance activities, i.e. mass mailings, hot line calls, etc.
- 1 Increase in # of enforcement actions taken and compliance with orders for lead-safe or lead free housing.

Future Measures:

*** indicates State performance measure**

- 1* Increase in the number of lead training providers audited.
- 3* Increase in the number of abatements over time, number of interim control measures with proper long-term maintenance, and number of parents utilizing prevention methods, i.e. regular cleaning as measured in surveys.
- 3* Track the number of housing units that have been made lead-safe or lead-free. This information can be obtained through coordination with HUD and our local and state grantees. HUD provides support for abatements and stabilizations for a limited number of qualifying properties

and state inspectors may issue lead -free certifications to property owners in order to exempt these properties from §1018 disclosure requirements.

- 1* Increase in the number of workers certified.
- 1* Increase in the number of training providers accredited.

Compliance Assistance/Outreach

Current Measures:

- 1 Number of educational activities performed, e.g. neighborhood coalitions formed, educational materials distributed, hot line calls.
- 2 Increase number of children screened.
- 2 Increase number of people who understand how to prevent lead hazards and their rights for information pursuant to TSCA §1018.

Future Measures:

- 1 Exert influence with national healthcare organizations and state agencies to improve Pb-screening and reporting rates.

➤PCBs

The Regional PCB Program was established to provide a credible deterrent to improper disposal of PCBs, and to promote their proper management to prevent and detect accidental releases. The methods to effectively implement the regulations governing PCBs are through performing inspections, developing enforcement actions, and conducting outreach/compliance assistance activities.

Inspection Activity/Inspection Targeting

Current Measures:

- 1 Increase in the number of facilities to be inspected that contain PCB equipment.
- 1 Conduct inspections of greater risk areas, i.e. screened EJ and children's health target areas using Region III's Data Integration and Analysis (DIANA) GIS system.

Future Measures: None

Compliance Monitoring/Enforcement

Current Measures:

- 1 Increase in number of enforcement actions of demonstrated

non-compliance, i.e., PCB spill areas/improper disposal, inadequate maintenance of PCB Equipment

- 1 Review information from facilities' 30-day notification reports to ensure compliance. Approve or deny 30-day notifications and permits.
- 1 Enforce unmanifested waste of PCBs.

Compliance Assistance/Outreach

Future Measures:

- 1 Provide technical assistance to the states, regulated community and general public.

➤**Asbestos (AHERA)**

The Asbestos Hazard Emergency Response Act (AHERA) governs the managements of asbestos-containing materials in school, both public and private from grades K-12. Every state in the country is involved with the program.

Inspection Activity/Inspection Targeting

Current Measures:

- 1 # of inspections of school asbestos management plans
- 1 # of schools where inspections of abatement activities occur.

Compliance Monitoring/Enforcement

Current Measures:

- 1 # of enforcement actions issued in targeted areas.
- 2 # of notifications of abatement/demolition projects at schools.

Compliance Assistance/Outreach

Future Measures:

- 1 # of information exchange workshops/seminars for individuals responsible for developing school asbestos management plans.

➤**EPCRA**

The "Superfund Amendments and Reauthorization Act of 1986" (SARA), also known as the "Emergency Planning and Community Right to Know Act" (EPCRA), was enacted on October 17, 1986. Owners and operators of facilities subject to the requirements of §313 of EPCRA must report releases and offsite transfers of listed toxic chemicals to all environmental medium to the EPA by July 1. This information is compiled in the Toxic Release Inventory System (TRIS) and is made available to governments and the public.

TRIS is used by federal and state governments to determine trends in toxic chemical releases and as a vehicle for developing new environmental regulations. GPRA Goal # 7: Expansion of American's Right-to-Know about their Environment seeks to provide easy access to environmental information and tools to enable citizens to protect their communities and their children. The compliance assistance and outreach activities of this program serve to support the achievement of this goal through increased exchange of information between governments and the public.

The goals of the EPCRA §313 program are also to achieve full compliance by non-reporters and inaccurate reporters through compliance assistance and enforcement activity. The EPCRA §313 program seeks to achieve tangible environmental benefits through the use of supplemental environmental projects as part of the enforcement case settlement process. These goals coincide with GPRA Goal #9: Credible Deterrent to Pollution and Greater Compliance with the Law.

Inspection Activity/Inspection Targeting

Current Measures:

- 1 # of inspections in targeted areas i.e. in screened EJ and children's health target areas using Region III's Data Integration and Analysis (DIANA) GIS system.

Compliance Monitoring/Enforcement

Current Measures:

- 1 # of enforcement actions issued in targeted areas
- 2 # of additional facilities coming into compliance as a result of enforcement activity
- 3 Total decrease of annual toxic chemical releases in targeted areas via TRI Annual data release to States.

Compliance Assistance/Outreach

Future Measures:

- 2 Improved knowledge of chemical releases in areas with high # of children through the issuance of press releases pertaining to TRI releases in targeted areas.
- 1 Conduct TRI workshops to the regulated community.
- 1 Customer service survey regarding workshop.

➤FIFRA

The FIFRA program goals are linked to GPRA Goals #2, #3 and #7. GPRA Goal #2: Clean and Safe Water ensures that the EPA will work to protect our water systems, so that all citizens will have clean and safe water to drink. Goal #3: Safe Food ensures that all Americans, particularly children, will be able to eat foods free from unsafe pesticide residues. Both of these goals are supported by FIFRA program measures including crop residue sampling and groundwater protection. GPRA Goal #7, to Expand Americans' Right to Know about Their Environment is supported by the activities related to the Worker Protection Standard. This standard was enacted by the EPA to protect agricultural workers from occupational exposure to pesticides. These workers are largely represented by individuals who are minority and/or of low income, are disconnected from the environmental decision making process, and yet, are subject to disproportionate impacts from environmental hazards. The WPS, effective October 1992 and fully implemented in January 1995, expanded and enhanced EPA worker protection regulations that were in existence since 1974.Generally, the WPS requires that agricultural employers provide agricultural workers and handlers with (1) pesticide safety training, (2) information regarding pesticide applications and (3) take measures to prevent or mitigate worker exposure to pesticides.

Inspection Activity/Inspection Targeting

Performed by States

Compliance Monitoring/Enforcement

Current Measures:

- 4 # of crop residue samples in farm markets.

We will try to focus our collection of crop residue samples that are generally eaten by children. We will investigate feasibility of residue sampling data from FDA or USDA to reach supermarkets and restaurants. The Farmgate program has been implemented by DC and MD. These states are monitoring residue samples from crops that are collected at farm markets. Some samples are being analyzed for specific (expected?) pesticides, others are subject to a broad

spectrum analysis. Types of foods consumed by age obtained from ORD's Exposure Factor's handbook, based on USDA market basket studies.

Future Measures:

- 4 Improvement in groundwater serving areas with high populations of children.

  The list of pesticides to be tested include the 5 management plan (SMP) pesticides atrazine, alachlor, cyanazine, metolachlor and simazine. These pesticides are specific for certain crops.

Compliance Assistance/Outreach

Current Measures:

- 2 Number of schools using IPM technologies.
- 2 Amount of information distributed through DC Poison Prevention project -- March 1998 (Results: over 1200 students in Anacostia neighborhood reached. Approximately 2000 pieces of information distributed to students and adults).
- 1 Promote worker knowledge of the protections the WPS provides, ensuring worker access to mechanisms and/or information that afford relief when a lapse(s) in protection occurs.
- 1 Seek alliances with traditional and non-traditional partners.

Future Measures:

- 1 Number of children informed of pesticide risks through EPA outreach activities.

➤CAA Asbestos

Our current strategy is to focus on businesses with buildings undergoing renovation/demolition. As resources permit, we will take the opportunity to coordinate with renovations/demolitions occurring in other types of public buildings including schools and apartment buildings.

Inspection Activity/Inspection Targeting

Current Measures:

- 1 Inspections in buildings undergoing renovation/demolition in targeted areas.

Compliance Monitoring/Enforcement

Current Measures:

- 1 # of enforcement actions issued in targeted areas.
- 2 # of notifications of abatement/demolition projects at buildings undergoing renovation/demolition.

Compliance Assistance/Outreach

Current Measures: None

Future Measures:

- 1 # of information exchange workshops/seminars for building owners and professional builders guilds.

Appendix I: Goal Summaries
Government Performance Results Act (GPRA)

1) Clean Air: ***The air in every Region III community will be safe and healthy to breathe. In particular, children, the elderly, and people with respiratory ailments will be protected from health risks of breathing polluted air. Reducing air pollution will also protect the environment, resulting in many benefits, such as restoring life in damaged ecosystems and reducing health risks to those subsistence depends directly on those ecosystems.***

2.) Clean and Safe Water: ***All citizens in Region III will have drinking water that is clean and safe to drink. Effective protection of rivers, lakes, wetlands, aquifers, and coastal and ocean waters will sustain fish, plants, and wildlife, as well as recreation, subsistence, and economic activities. Watersheds and their aquatic ecosystems will be restored and protected to improve human health, enhance water quality, reduce flooding, and provide habitat for wildlife.***

3) Safe Food: ***The foods Americans eat will be free from unsafe pesticides residues. Children especially will be protected from the health threats posed by tainted food, because they are among the most vulnerable groups in our society.***

4) Preventing Pollution and Reducing Risk in Communities, Homes, Workplaces and Ecosystems: ***Pollution prevention and risk management strategies aimed at cost-effectively eliminating, reducing, or minimizing emissions and contamination will result in cleaner and safer environments in which all Americans can reside, work and enjoy life. EPA will safeguard ecosystems and promote the health of natural communities that are integral to the quality of life in this nation.***

5) Better Waste Management and Restoration of Contaminated Waste Sites: ***America's wastes will be stored, treated, and disposed of in ways that prevent harm to people and the natural environment. EPA will work to clean up previously polluted sites and restore them to uses appropriate for surrounding communities.***

6) Reduction of Global and Cross-Border Environmental Risks: ***The United States will lead other nations in successful, multilateral efforts to reduce significant risks to human health and ecosystems from climate change, stratospheric ozone depletion, and other hazards of international concern.***

7) Expansion of Americans' Right to Know About Their Environment: ***Easy access to a wealth of information about the state of their local environment will expand citizen involvement and give them tools to protect their families and their communities as they see fit. Increased information exchange between scientists, public health officials, businesses, citizens, and all levels of government will foster greater knowledge about the environment and***

what can be done to protect it.

8) Sound Science, Improved Understanding of Risk, and Greater Innovation to Address Environmental Problems: ***EPA will develop and apply the best available science for addressing current and future environmental hazards, as well as new approaches toward improving environmental protection.***

9) A Credible Deterrent to Pollution and Greater Compliance with the Law: ***EPA will ensure full compliance with laws intended to protect public health and the environment.***

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Core Performance Measures for FY2000

ADDENDUM TO 1997 JOINT STATEMENT ON MEASURING PROGRESS UNDER NEPPS: CLARIFYING THE USE AND APPLICABILITY OF CORE PERFORMANCE MEASURES

When EPA and States initiated the National Environmental Performance Partnership System (NEPPS), our goals were to achieve greater environmental protection, better measurement of environmental progress, and the most efficient use of public resources in achieving these goals. While States vary in the extent to which they actively participate in specific aspects of NEPPS, the basic concept of performance partnerships guides State-EPA relationships throughout the country. The development of Core Performance Measures (CPMs) that has taken place under NEPPS auspices has been successful in focusing both EPA and State attention on improving how we measure the effectiveness of our environmental protection efforts.

In August 1997, leaders of ECOS and EPA signed a *Joint Statement on Measuring Progress under NEPPS*. The Joint Statement has served as a guidance document for use of CPMs. It also established a hierarchy of CPMs which was attached to the *Joint Statement* and is hereby reaffirmed. The purpose of this addendum is to clarify and update certain principles, guidance and time frames as originally referenced in the August 1997 Joint Statement. This Addendum accompanies a revised and updated set of Core Performance Measures. It is in effect during the life of the 1995 NEPPS Agreement unless otherwise amended.

This addendum addresses and clarifies four key issues. These issues generally relate to the implementation and use of Core Performance Measures, Associated Reporting Requirements, and Accountability Measures (hereafter referred to as CPMs). The clarifications presented below constitute official amendments to the Joint Statement.

Core Performance Measures: What Are They?

CPMs are a limited set of national measures, designed to help gauge progress towards protection

of the environment and public health. They include a mix of three types of measures (as arrayed in the CPM hierarchy) needed to understand environmental programs and their effectiveness: (1) environmental indicators (high level trends describing environmental and public health conditions), (2) program outcomes (measures of program influence or effect), and (3) program outputs (measures of program activities). CPMs, based on data collected and reported primarily by States, serve the NEPPS objective of 'managing for environmental results' by:

- driving a system of measurement based on performance (with an emphasis on shifting "up the hierarchy" described above, to more meaningful reporting of environmental results);
- providing States and the Nation as a whole with the information and tools to increase accountability and make policy, resource or other changes to support improvements in environmental conditions; and
- providing a benchmark upon which States and EPA can focus efforts to reduce high cost/low value reporting for public and private entities.

In addition to using CPMs to help paint a national picture of environmental progress, States may wish to use additional indicators and measures to reflect progress toward State-specific goals and objectives. The Performance Partnership Agreements (PPAs) negotiated between EPA and States under NEPPS reflect both State and Federal priorities, and, in addition to CPMs, may include State-specific environmental goals, objectives, indicators, and performance measures.

Together, EPA and ECOS have led, with participation by a number of other state organizations, the development of enhanced FY2000 CPMs for water, air, and waste management and remediation; as well as Accountability Measures for enforcement and compliance. In addition, work continues on developing CPMs for pollution prevention, pesticides, and lead for use in the future. Most of the current CPMs rely on data the states already collect and report. Over time, EPA and States will refine and improve the CPMs to enhance their ability to measure the responses of industry and the public to EPA and State programs, and the resulting changes in the environment. A few of the existing CPMs represent such an improvement, and may require new data and reporting.

Continued joint effort will be needed to bring these measures increasingly closer to an accurate and useful reflection of the most important environmental and program outcomes. EPA and States need to continue to ask such questions as:

- Are we focusing on the most important outcomes?
- Do we have the data we need to inform the American people on the progress and status of our work?
- Are we measuring cross-program outcomes in a way that encourages more efficient and effective collaboration among different environmental programs?
- How can we accelerate the pace of the transition to a results-based performance measurement system which emphasizes use of outcomes versus outputs?
- How can States and EPA continue to advance efforts to minimize high cost/low value reporting?

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As this work progresses, EPA and State work groups will continue to consult with the officials who implement the various programs covered by these measures, a range of experts on data and measurement, and the many stakeholder groups who constitute an important audience for Core Performance Measures. Many refinements will undoubtedly be needed as these measures come into use over a period of time. Up to this point, our initial efforts in improving environmental measurement systems have focused on the relationships between States and EPA. We now need to expand outreach efforts to include our many stakeholders as we continue to improve measurement systems over time.

Issue 1: Uses and Audiences for Core Performance Measures

One of the primary purposes of CPMs is to help "paint a national picture" of the nation's progress in protecting public health and the environment. This picture reflects the progress and accomplishments achieved by EPA, the States, and others working together. This national picture is intended to inform Congress, the public, stakeholders and environmental managers of trends and environmental progress across the nation and in individual states; and to give them the tools to increase accountability and make (or influence) policy, resource and other decisions. In addition to informing a national audience, many states plan to use the measures to communicate environmental and program progress to state legislatures and residents.

CPMs are also intended to help shape EPA and State management decisions by providing environmental program managers with information on environmental conditions and trends, important program outcomes, and key program activities. EPA and States will strive to reduce the number of core program output measures in favor of outcome measures and environmental indicators. CPMs do *not* attempt to capture the full range of information needed to manage environmental programs at the national, regional or state level; environmental managers at all levels will, in most cases, need additional information to guide program management decisions. As stated in the *Joint Statement,* "...information about activities (e.g., permitting) is routinely reported each year and maintained in national data bases which we recognize must be maintained through existing comprehensive data systems." CPMs are not intended to be used to rank states against each other. They will be used to analyze and describe important environmental and programmatic trends among states. CPMs should be carefully used in a way that recognizes the context and quality of the information upon which they are based.

Any reports that use CPMs should emphasize that the results reflect the achievements of States and EPA working together. Performance results for CPMs may provide Congress and others with a gauge of the success of important components of the Nation's environmental programs in which the states and EPA play a major role. States are not directly responsible for fulfilling EPA's Government Performance and Results Act (GPRA) reporting requirements to Congress, but CPMs may represent a subset of the Agency's performance measures under GPRA. EPA intends that the information needed to report CPMs and other key reporting requirements described herein will satisfy any reporting EPA needs from States to meet EPA's GPRA reporting responsibilities.

Issue 2: Applicability of Core Performance Measures

States and EPA have identified CPMs as part of the overall NEPPS process for reinventing the State/EPA partnership. As a result of the NEPPS Agreement, States are active participants in the development of the CPMs and of the "national picture" that CPMs paint. CPMs as such only apply to States participating in NEPPS; States not participating in NEPPS will continue to provide key information needed by EPA through State/EPA Agreements, grant work plans, or other operating agreements. States participating in NEPPS are presumed to incorporate all CPMs in their Performance Partnership Agreements with EPA, subject to the conditions described in Issue #3 below. Non-NEPPS states may voluntarily choose to utilize CPMs to track environmental progress. The great majority of data points needed for the CPMs jointly approved in April 1999 are already being reported by all states through national data systems (such as RCRIS and SDWIS) or other established mechanisms. This reporting should continue by NEPPS and non-NEPPS states alike unless otherwise agreed by States and EPA.

Where CPMs involve data States are already reporting to EPA, EPA's expectation is that such data will suffice to report the CPM, i.e., no duplicate reporting is expected. We recognize that CPMs that require new data may take a year or more to implement. If a CPM requires new data, EPA will work with States (individually or collectively) to develop a plan to obtain the necessary data. This plan should articulate ways to manage, schedule, and finance any new data collection and reporting requirements. All States and Regions are encouraged to be flexible and creative in finding means to collect the needed data and report on these measures.

Issue 3: Flexibility in Using Core Performance Measures

One of the most challenging aspects of implementing CPMs is balancing the need for consistent information with the need to accommodate the circumstances of individual States. As per the August 1997 Joint Statement, it is presumed that states participating in NEPPS will use the CPMs. If a particular CPM does not fit a State's or Region's situation, that measure may be modified, substituted, or eliminated in any given year, as agreed to by both the State and EPA. Good judgment and common sense should guide the determination to modify or eliminate a CPM under the circumstances described below. The State and EPA may jointly agree to deviate from particular CPMs where:

1. The CPM does not apply to a State's or Region's physical setting or environmental condition (e.g. ocean beach closures in a land-locked state).

2. The state does not have authority for the program to which the CPM applies (e.g., EPA still has primacy for the program).

3. Data for the CPM are not available or alternative data are more relevant in painting a picture of environmental progress (e.g., a state-based environmental data and/or performance management system provides a better description of environmental performance than the CPM). If data are

unavailable, EPA and the State may agree upon a plan to develop the necessary data.

4. The State and EPA agree that the CPM or the work associated with it are not a high priority in the state (e.g. use of available resources to work on other activities is a higher priority in that state). In this case, the level of effort devoted to reporting that CPM should be negotiated as part of the NEPPS process.

The States and EPA also affirm joint efforts to continue pursuing innovative environmental projects and measurement systems that may improve the effectiveness of current and future CPMs.

Issue 4: The Role of CPMs in Improving the Value/Reducing the Cost of Environmental Information (Burden Reduction)

While the primary purpose of CPMs is better environmental information to support improved environmental management, the August, 1997 *Joint Statement* also contains a clear commitment to reducing the reporting of those outputs that are lower priority. It states: "We are committed to working together to reduce the overall reporting burden placed on states, especially that created by reporting on outputs... Over time, we hope to reduce unnecessary reporting and activity counting and streamline necessary reporting so that our time is spent sharing information on the nation's environmental and pollution problems."

Burden reduction is critical to maintaining and hopefully increasing the resources available for environmental protection. Both EPA and ECOS remain firmly committed to reducing high cost/low value reporting requirements on states and others and wish to accelerate progress toward this end. The Joint State/EPA Information Management Work Group has begun work on this charge. The Work Group has proposed an approach for assessing environmental information, including data reporting requirements, through an examination of the *value* of information (in understanding and making decisions to protect human health and the environment), as compared to its *cost* (including the work involved by all parties in data collection, management and reporting). The following direction is hereby provided to help guide and accelerate this process:

- Application of the cost/value approach to examining burden reduction opportunities is hereby endorsed, and the Joint Work Group should continue to develop proposals to implement this approach. EPA and States need to work together to ensure that the reporting of CPM data is efficient and improvements in data collection and reporting are made where possible.

- CPMs serve to frame discussions of what reporting meets the value/cost test, by spelling out what information EPA and States jointly believe to be highest priority. Information not necessary to support CPMs then becomes subject to review according to value/cost criteria, and is a candidate for burden reduction. Together, EPA and States (as well as other suppliers and users of environmental information) will work to ensure that they collect and share information that has "specific and demonstrable uses," as outlined in the *State/EPA Vision and Operating Principles for Environmental Information Management*. The Joint Work Group should, in coordination with EPA and ECOS CPM Work Groups, expeditiously design a process for

accomplishing this review and identifying opportunities for burden reduction.

- A State/Regional dialogue provides the best entry point for investigating what information -- especially information beyond that required to report on CPMs -- is needed for States and EPA to do their respective jobs. EPA and States need to create an atmosphere that promotes working together to explore possibilities for reducing high cost/low value reporting, and that encourages States and EPA Regions to test and apply specific initiatives to reduce high cost/low value reporting through their PPAs at the earliest possible time. EPA Regions should consult EPA national program offices prior to implementing any initiatives that change national reporting requirements. EPA and ECOS support the establishment of a clearinghouse of successful initiatives and pilot projects in specific States and Regions to improve the value and reduce the cost of information.

Extension of Joint Statement

The *Joint Statement on Measuring Progress Under NEPPS*, signed in August 1997, applied to FY98 and FY99. It is hereby extended to apply for FY 2000 and beyond, during the life of the 1995 NEPPS Agreement, subject to the amendments and clarifications contained in this Joint Statement Addendum. Specific references in the original Joint Statement to CPMs for FY 98 or FY 99 are also amended to apply for FY 2000, and beyond, as applicable.

This Addendum is effective as of the date of signature.

Robert Varney, New Hampshire DES, ECOS President	Date	Carol Browner, EPA Administrator	Date
Lewis Shaw, South Carolina DHEC, ECOS Vice-President		Peter Robertson, EPA Deputy Administrator	
Langdon Marsh, Oregon DEQ, Chair, ECOS Strategic Planning Committee		Linda Rimer, EPA Deputy Associate Administrator	

J. Charles Fox,
EPA Assistant Administrator

FY 2000 Core Performance Measures for Waste Management, Underground Storage Tank, and Remediation Programs[1]

Goal: America's wastes will be stored, treated, and disposed of in ways that prevent harm to people and the natural environment. EPA will work to clean up previously polluted sites and restore them to uses appropriate for surrounding communities.

Measures to be further defined/clarified by ASTSWMO during Spring/early Summer of 1999.

Measures shown below represent one category of measures--recommended mandatory core performance measures developed by the ECOS-EPA Design Team. The Design Team also proposed two other categories of measures--negotiable measures and state initiative measures--that are not presented here because they would be voluntary. Please contact Ron Hammerschmidt (tel. 785/296-1535) or Roger Kanerva (tel. 217/785-5735) to obtain a copy of the complete package.

Percent of hazardous waste managed at Treatment, Storage, and Disposal Facilities (TSDFs) with approved controls in place.

Proportion of hazardous waste (HW) being managed at regulated facilities confirmed to meet applicable requirements. (Universe covered, inspection cycles, and confirmation criteria specified by authorized state programs.)
Covers HW streams as reported by state into the Resource Conservation and Recovery Information System (RCRIS) and Biennial Reporting System (BRS).
Includes facilities with operating permits, post-closure permits or operating under a State or Federal order. Includes boilers and industrial furnaces that burn hazardous waste.

Percent of Underground Storage Tanks (USTs) meeting requirements.

Requirements for leak detection and upgrade requirements in each state.
Numbers of Underground Storage Tanks (USTs) reported.

Resource Conservation and Recovery Act (RCRA) Corrective Action sites (area) cleaned up.

Area (e.g., acres), as determined by State, for high priority sites that need no further action beyond operation/maintenance.

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[1] As stated in the 1997 *Joint Statement on Measuring Progress under NEPPS*, "Beyond core performance measures, there are other program output and fiscal reporting requirements we must use to document our various program activities." States are expected to continue reporting this routine program and fiscal tracking information. At the same time, States and EPA Regions are encouraged to work together to review the value and cost of these data exchanges and eliminate low-priority reporting.

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National Priority List (NPL) sites (area) cleaned up.

Area (e.g., acres), as determined by State, for sites that need no further action beyond operation/maintenance.

Leaking Underground Storage Tank (LUST)/UST cleanup site status.

Status covers number of confirmed releases, number of cleanups intitiated, and number of cleanups completed, as reported by each state.

Groundwater releases controlled.

At RCRA Corrective Action sites designated as high priority for RCRIS reporting as of 12/98.

At NPL sites as documented by each state or EPA.

Human exposures controlled.

At RCRA Corrective Action sites designated as high priority for RCRIS reporting as of 12/98.

At NPL sites as documented by each state or EPA.

FY 2000 Accountability Measures for Enforcement and Compliance Assurance[2]

Environmental and/or public health benefits achieved through concluded enforcement activities, e.g., case settlements, injunctive relief, etc.

Pilot measure: Volunteer states will be sought to participate with EPA in pilot test use of Case Conclusion Data Sheet or comparable approaches to analyzing benefits achieved from enforcement activities.

Rates of significant noncompliance for selected regulated populations.

All states continue to provide facility-specific compliance information through automated data systems. Volunteer states will be sought to participate with EPA in development of statistically valid compliance rates.

Percentage of significant non-compliers (SNCs) that have been returned to compliance or otherwise addressed.

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[2] As stated in the 1997 *Joint Statement on Measuring Progress under NEPPS*, "Beyond core performance measures, there are other program output and fiscal reporting requirements we must use to document our various program activities." States are expected to continue reporting this routine program and fiscal tracking information. At the same time, States and EPA Regions are encouraged to work together to review the value and cost of these data exchanges and eliminate low-priority reporting.

All states continue to provide facility-specific compliance information through automated data systems.

Results of using State alternative compliance approaches (e.g., audit laws or policies, small business compliance policies, XL projects) and compliance assistance.[4]

Pilot measure: Volunteer states will be sought to provide EPA with data on evaluation of the results of compliance incentives and compliance assistance efforts. Provide narrative description of alternative compliance approaches.

Total number of inspections conducted at major facilities, and the percent of total universe of regulated sources inspected in negotiated priority areas (e.g., industry sectors, geographic areas).

All states continue to report facility-specific data through automated data systems. Negotiate means for reporting information on inspections of facilities not covered by current data systems.

Enforcement actions (e.g., case referrals, orders, notices) taken, by media.

The question of whether the term should be enforcement activity or actions was submitted to the ECOS Compliance Committee and full membership in February 1999. Receiving no feedback, the change was made to the more clearly defined term, enforcement actions.

All states continue to provide facility-specific compliance information through automated data systems.

Number of facilities/entities reached through each type of compliance assistance activity.

Pilot measure: Volunteer states will be sought to participate with EPA in pilot to provide data on compliance assistance activities. Describe any current reporting a pilot State does on compliance assistance activities.

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Region III FY2000 Priorities

1. Chesapeake Bay and Other Estuaries
2. Impacts of Acidification
3. Ozone
4. Urban Livability
5. Climate Change

Appendix II: Targeting Criteria and Communications

We will continue our activities in the larger urban centers, however, we have selected four primary criteria to ensure consideration of smaller communities with high concentrations of children and children in poverty.

Using the information contained in the 1990 Census, the number of children will be calculated for each census block group #1 to 23,416. Then, those census block groups with greater than 700 children per block group will be merged with the list of Region III communities containing a total population ranging from 10,000 to 50,000 persons.

Based on the distribution of child populations within the census block groups in Region III, those with greater than 700 represent a set of census block groups with the highest density (approximately 500 census block groups, representing the top 2% of the Region's census block groups). The list will be sorted by 3 age ranges including infants and young children (0-6 years), youngsters (7-13 years), and teenagers (14-18 years). The list will be further defined by the top 30% of the Region's census block groups containing children in poverty.

The WCMD will review the list for program activity to refresh and enhance existing activities or develop new initiatives. In addition, any additional subpopulations within the targeted areas will be considered.

Primary Criteria

- Total number of children (greater than 700 per census block group)
- Total population = 10,000-50,000
- Age of Child: up to 18 years
- Children in Poverty (top 30% of Region)

Secondary Criteria

- Investigate area for WCMD programs administered
  - If WCMD programs exist in the area, review and enhance enforcement activity and outreach
  - If no WCMD programs exist in the area, develop enforcement activity and outreach

The Region will endeavor to communicate our goals, objectives and priorities to our states, local governments, regulated communities and the general public. In order to communicate our current activities that protect children, an interim strategy is included in this proposal. A fully developed communications strategy will be put in place by the end of FY98.

States/ Local Governments: We will share the proposal with our States and local governments

and outline our objectives for the Children's Health Initiative in our Regional grant guidance. We encourage the States to include activities related to the Children's Health Initiative in their grant proposals and emphasize the importance of the initiative through the grants negotiation process. In conjunction with the grants process, we will issue a letter to state program directors and program managers and local governments introducing the initiative and including a fact kit. We recognize that certain statutes contain eligibility requirements pertaining to outreach activities. The Region will endeavor to remain as flexible as possible within our statutory authority.

Regulated Community: Details of the initiative will be included as part of the existing compliance assistance activities. Our formal compliance assistance forums, such as EPCRA and Waste Minimization workshops will include an introduction to our Children's Health Proposal that will be shared with the regulated community. In addition, we will prepare generic and program specific fact kits for inspectors conducting onsite compliance assistance activities.

Public: In order to inform the public of our activities, we will include program accomplishments that pertain to the Children's Health Initiative on our WCMD web page and provide opportunities for public participation and involvement through our outreach programs. For those entities that do not have web access, we will utilize and develop existing infrastructures such as public welfare and religious organizations and state or privately funded programs for needy families such as the Philadelphia Coalition for Children and Youth (PCCY).

We will continue to develop our relationship with our academic partners through free information exchange forums as well as our grants process to better characterize the changes in the health status of children resulting from environmental intervention in our selected communities.

Appendix III: Tabular Performance Measures

Programs	Level of Environmental change	Current Measures	Level of Environmental change	Future Measures
RCRA	Inspection Activity/ Inspection Targeting	1 Increase # of inspections in targeted areas		
	Compliance Monitoring / Enforcement	2 Increase compliance rate in targeted areas. Compliance rates will be defined by the number and quality of compliance within the regulated community 2 Increase compliance with O&M/CME requirements at land-based units in targeted communities 2 Increase compliance with orders and permits for hazardous waste sites (hazardous waste, including pesticides, asbestos, and lead) (Corrective Action, Subtitle C, Subtitle D)		
	Permitting & Cleanups	1 Increase # of corrective actions in targeted areas 3 Implement HQ initiatives for risk assessment at combustion facilities, recognizing children as a sensitive subpopulation and indirect risks to children through food chain exposures 4 Increase # of children included in "human exposures controlled" at RCRA Corrective Action sites 4 Increase # of children with reduced exposure due to drinking water improvement 4 Reduce # of uncontrolled dumpsites in targeted areas		

Programs	Level of Environmental change		Current Measures	Level of Environmental change	Future Measures
	Compliance Assistance/ Outreach		None	1	Extend WCMD program outreach related to household hazardous waste collection. On the local level, communities that have several farms may offer household pesticide collection that may be trackable. Potential local contacts for this may be the Local or County Department of Public Health, or Local or County Department of Solid Waste.
UST/LUST	Inspection Activity/ Inspection Targeting	1	Increase # of inspections in targeted areas	2	Report leak detection, upgrade, closure and follow-up inspections
	Compliance Monitoring/ Enforcement	2	Increase compliance rate with UST leak detection requirements and 1998 upgrade requirements in targeted areas		
	Permitting & Cleanups	3	Number of alternate water supplies provided in threatened groundwater by utilizing GIS coverages from the wellhead protection program		
	Compliance Assistance / Outreach		None	2	Report onsite compliance assistance
Waste Minimiza-tion			The Waste Minimization Program's primary focus is compliance assistance. Waste minimization principles are considered during the inspection targeting processes used by the multiple programs within the Waste and Chemicals Management Division (WCMD) and compliance assistance is offered to the regulated community during the enforcement process, but not typically during an inspection.		

Programs	Level of Environmental change		Current Measures	Level of Environmental change	Future Measures
	Compliance Assistance/ Outreach	2 2 1 2	Ensure that targeted facilities have in place working source reduction plans Ensure that targeted facilities are implementing (or will plan to implement) effective waste minimization strategies in their operations Increase awareness of EPA's waste minimization goals Motivate any facilities that generate PBT or other hazardous wastes to adopt waste minimization strategies in their operations	1	Analyze the PBT list to focus the measures noted above on those chemicals to which children are particularly susceptible through direct contact (e.g., any pesticides, lead, and other indoor air contaminants)
TSCA Core TSCA	Inspection Activity/ Inspection Targeting	1	Increase the number of businesses to be inspected based on densely populated areas with surrounding chemical manufacturing facilities	1	Increase in number of inspections with Customs Department to identify brokers of improperly imported chemicals
	Compliance Monitoring/ Enforcement	1	Increase in number of enforcement actions of facilities which do not report the manufacture and use of chemicals		
	Compliance Assistance/ Outreach			1	Conduct workshops/seminars to Customs Department personnel and the general public.
Lead (Pb)	Inspection Activity/ Inspection Targeting	1 1	Increase # of inspections performed in targeted areas, i.e. EJ areas using Region III's Data Integration and Analysis (DIANA) GIS system. Track number of responses to tips and complaints.		

Programs	Level of Environmental change		Current Measures	Level of Environmental change	Future Measures
	Compliance Monitoring/ Enforcement	1	Use survey data provided by either state or local grantee and track EPA compliance assistance activities, i.e. mass mailings, hot line calls, etc.	2	*Increase in the number of lead training providers audited.
		1	Increase the # of enforcement actions taken and compliance with orders for lead-safe or lead free housing	3	*Increase in the number of abatements over time, number of interim control measures with proper long-term maintenenace, and number of parents utilizing prevention methods, i.e. regulare cleaning as measured in surveys.
				3	*Track the number of housing units that have been made lead-safe or lead-free. This information can be obtained through coordination with HUD and our local and state grantees. HUD provides support for abatements and stabilizations for a limited number of qualifying properties and state inspectors may issue lead -free certifications to property owners in order to exempt these properties from §1018 disclosure requirements.
				1	*Increase in the number of workers certified
				1	*Increase in the number of training providers accredited.
					Note: * indicates State performance measure
	Compliance Assistance/ Outreach	1	Number of educational activities performed, e.g. neighborhood coalitions formed, educational materials distributed, hot line calls	1	Exert influence with national healthcare organizations and state agencies to improve Pb-screening and reporting rates.
		2	Increase # of children screened		
		2	Increase number of people who understand how to prevent lead hazards and their rights for information pursuant to TSCA §1018.		
PCBs	Inspection Activity/ Inspection Targeting	1	Increase in number of facilities/buildings to be inspected that contain PCB equipment		None
		1	Conduct inspections of greater risk areas, i.e. screened EJ and children's health target areas using Region III's Data Integration and Analysis (DIANA) GIS system.		

Programs		Level of Environmental change	Current Measures	Level of Environmental change	Future Measures
	Compliance Monitoring/ Enforcement	1 1 1	Increase the number of enforcement actions of demonstrated non-compliance, i.e., PCB spill areas/improper disposal, inadequate maintenance of PCB equipment. Review information from facilities' 30-day notification reports to ensure compliance. Approve or deny 30-day notifications and permits. Enforce unmanifested waste of PCBs		
	Compliance Assistance/ Outreach			1	Provide technical assistance to the statues, regulated community and general public.
Asbestos (AHERA)	Inspection Activity/ Inspection Targeting	1 1	# of inspections of school asbestos management plans # of schools where inspections of abatement activities occur		
	Compliance Monitoring/ Enforcement	1 2	# of enforcement actions issued in targeted areas # of notifications of abatement/demolition projects at schools		
	Compliance Assistance/ Outreach			1	# of information exchange workshops/seminars for individuals responsible for developing school asbestos management plans
EPCRA	Inspection Activity/ Inspection Targeting	1	Increase # of inspections in targeted areas, i.e. screened EJ and children's health target areas using Region III's Data Integration and Analysis (DIANA) GIS system.		

Programs	Level of Environmental change		Current Measures	Level of Environmental change	Future Measures
	Compliance Monitoring/ Enforcement	1	Increase # of enforcement actions issued in targeted areas		
		2	Increase # of additional facilities coming into compliance as a result of enforcement activity		
		3	Total decrease of annual toxic chemical releases in targeted areas via TRI annual data release to States.		
	Compliance Assistance/ Outreach			2	Improved knowledge of chemical releases in areas with high # of children through the issuance of press releases pertaining to TRI releases in targeted areas
				1	Conduct TRI workshops to the regulated community.
				1	Engage in customer service survey regarding workshop.
FIFRA	Compliance Monitoring/ Enforcement	4	# of crop residue samples in farm markets We will try to focus our collection of crop residue samples that are generally eaten by children. We will investigate feasibility of residue sampling data from FDA or USDA to reach supermarkets and restaurants. The Farmgate program has been implemented by DC and MD. These states are monitoring residue samples from crops that are collected at farm markets. Some samples are being analyzed for specific (expected?) Pesticides, others are subject to a broad spectrum analysis. Types of foods consumed by age obtained from ORD's Exposure Factor's handbook, based on USDA market basket studies	4	Improvement in groundwater serving areas with high populations of children The list of pesticides to be tested include the 5 management plan (SMP) pesticides atrazine, alachlor, cyanazine, metolachlor and simazine. These pesticides are specific for certain crops.

Programs	Level of Environmental change		Current Measures	Level of Environmental change	Future Measures
	Compliance Assistance/ Outreach	2	Increased number of schools using IPM technologies	1	Number of children informed of pesticides risks through EPA outreach activities
		2	Amount of information distributed through DC Poison Prevention project -- March 1998 (Results: over 1200 students in Anacostia neighborhood reached. Approximately 2000 pieces of information distributed to students and adults).		
		1	Promote worker knowledge of the protections the Worker Protection Standard (WPS) provides, ensuring worker access to mechanisms and/or information that affords relief when a lapse(s) in protection occurs		
		1	Seek alliances with traditional and non-traditional partners (WPS)		
CAA Asbestos	Inspection Activity/ Inspection Targeting	1	Inspections in buildings undergoing renovation/demolition in targeted areas		
	Compliance Monitoring/ Enforcement	1	# of enforcement actions issued in targeted areas		
		2	# of notifications of abatement/demolition projects at buildings undergoing renovation/demolition		
	Compliance Assistance/ Outreach			1	# of information exchange workshops/seminars for building owners and professional builders guilds

Appendix IV: Supporting Data

Possible Health Outcomes

A definitive list of possible health outcomes that could result from exposure to environmental toxins has not yet been determined. We will be working with our academic partners to better delineate this list in an effort to monitor the effectiveness of our program activities. The hierarchy of measures used by the Chesapeake Bay Program, encompassing both administrative actions by the EPA and State regulatory agencies as well as effecting changes in human health or ecology. A definition of the measures is included in the table below. Clearly, many of our program activities and measurements deal with measures at the lower end of the scale, however, through our partnerships with the academic community, we can utilize epidemiologic and health surveillance tools to strive to reach the highest level environmental change.

Hierarchy of Measures: This is how we measure environmental change					
Administrative		Environmental			
Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
Actions by EPA/State Regulatory Agencies	Responses of the Regulated Community	Changes in Discharge/Emission Quantities	Changes in Ambient Conditions	Changes in Uptake and/or Assimilation	Changes in Health, Ecology or other effects

Data needs, sources, and health outcomes

These lists are not exhaustive and subject to modifications.

Some health outcomes under consideration include:

Acute upper respiratory morbidity
Asthma
Allergy
Nervous system disorders
Cancer
Perinatal issues
Birth defects

Potential Data Sources:

1. EPA/ORD/NCEA (National Center for Environmental Assessment) Exposure Factors Handbook: types of foods consumed by children
2. Local Poison Control Center data: poisonings due to household chemicals/pesticides
3. EPA/ORD/EPIC (Environmental Photographic Interpretation Center) photos: location of uncontrolled dump sites

4. EPA/CERCLA: list of Pre NPL sites to locate uncontrolled dump sites
5. EPA/Well Head Protection Program: locations of public supply wells
6. USGS: locations of private groundwater wells.
7. Public Health Service (PHS) potential source to influence improvements in child healthcare.
8. Abstracts of Proposed Community Tools (currently under review by the Communications and Outreach Workgroup of the children's Health protection Advisory Committee)
9. An Ecological Assessment of the United States Mid-Atlantic Region: A Landscape Atlas

Potential Data Needs:
1. Lists of State Hospital Associations
2. Survey of public knowledge on lead in selected communities.
3. State Health Department vital statistics
4. State/HUD Lead programs for data on Pb-safe and Pb-free housing such as # abatement activities, # certifications for lead-free homes and other forms of notification that stabilization has occurred.

Water Protection Division

Middletown Borough Authority

On behalf of a segment of Middletown Borough, the Greater Harrisburg Area NAACP Branch outlined its concerns to local officials, the Pa Department of Environmental Protection, EPA and the press concerning a proposed biosolids processing plant upgrade project. The wastewater treatment plant currently servicing the Borough of Middletown produces biosolids that are currently treated using quicklime addition. The upgrade involves including a pasteurization step using electrically generated heat for the destruction of pathogenic organisms. Town officials content that the upgrade will result in higher quality biosolids affording more alternatives for reuse/recycle of the organic by product. The affected community is concerned how the upgrade will affect property values, air quality and produce byproducts that may be harmful. The NAACP has not requested EPA's direct involvement and is trying to resolve the issue locally. EPA however is being kept informed.

Youth in the Environment Grants

The City of Chester will qualify for a Y2K Youth in the Environment grant to conduct a summer training program for disadvantaged youth. The primary purpose of the grant was to increase their interest in the environmental field, hoping to lead to their eventual employment in the environmental field. Community cooperation between the City, Widener University, DELCORA, Chester Water Authority, and American Ref-Fuel made this program a success for the second year in a row.

Eastern Shore Grants

OMA provided funding assistance for three rural communities in the eastern shore of Virginia to conduct a "Water Supply Evaluation of Selected Private Wells in Economically Disadvantaged Communities on the Eastern Shore of Virginia." Significant progress has not been made in completing the evaluation.

An estimated population of 45,400 people reside on the eastern shore of Virginia. The unconfined shallow aquifer on the eastern shore has been designated as an " aquifer at risk" of contamination. The most commonly occurring sources of contamination are septic systems and agricultural chemicals.

Private (home) wells are not protected by either Virginia or EPA regulations. However, the Source Water Assessment program has provided funding to identify potential problems in the drinking water sources of these communities. Nearly all of the communities on the eastern shore are low income communities.

Lead Sampling in DC Daycare Centers

In August 1998, the U.S. Environmental Protection Agency Region III (EPA) initiated Phase II of testing for lead in the drinking water supplies of day-care facilities in Washington, DC. Phase I of the testing was concluded in September, 1997. Of the 538 facilities tested in Phase I, 111 had lead in at least one faucet or fountain at or above the Action Level of 0.020 mg/l. The testing showed that in most facilities, the elevated lead levels were random within the buildings, and not all faucets, bubbler or fountains contained lead. Further, during the year of testing, no widespread lead contamination of the Washington, DC public water supply was ever observed.

Phase II of the project was to complete follow-up sampling of the 111 daycare centers that had elevated levels of lead. Of the 111 facilities 85 were resampled. The ones that were not resampled could not be contacted, closed, or were performing remedial actions. The sampling started in the fall of 1998 and was completed in the spring of 1999. The sampling was performed by Cadmus, an EPA contractor.

Of the 85 facilities retested, 26 had lead exceeding 20 ppb. Levels of lead in the first draw samples of these 26 facilities ranged from 20 to 240 ppb. Only four of these locations had Action Level exceedances on the first draw and flushed samples. Lead values of these four facilities flushed samples ranged from 21 to 74 ppb. Twenty-two locations showed action level exceedances only on the first draw samples with the flushed sample below the action level. The four schools that showed Action Level exceedances on the first draw and flushed draw samples should have plumbing inspections performed by the appropriate department of the District of Columbia government to determine and implement permanent lead reduction solutions.

All facilities having exceedances of 15 ppb were counseled by the contractor on ways to reduce lead. Note: Even though the Action Level for day-care facilities is 20 ppb, certified laboratories show exceedances for levels at or above 15 ppb. This amount is the maximum contaminant level for publicly owned water treatment facilities.

Visits or telephone calls were made to each facility with lead exceeding 15 ppb. Discussions were held with the school administrator regarding the effects of lead on children and the importance of correcting any problems identified in drinking water sources. Copies of all test results were given to the school administrators along with copies of literature on lead: *Lead in Your Drinking Water* - EPA/8 I 0-F-93 -001 and *Sampling for Lead in Drinking Water in*

Nursery Schools and Day Care Facilities - EPA 812-B-94-003.

If exceedances were 15 ppb and less than 20 ppb on the first draw and less than 15 ppb on the second draw, the administrators were instructed to flush the water location for at least five minutes each morning before use.

If lead levels were 20 ppb or greater on the first draw and less than this 20 ppb on the second draw, the facilities were encouraged to immediately begin flushing before use each day and to seek the assistance of a qualified plumber to determine the source of the lead and to take action to eliminate the contamination.

In locations with exceedances above 20 ppb on the first draw and flushed samples, the facilities were encouraged to use bottled water until remediation activities and resampling were completed.

This project will provide funds for selection of the recipient communities, collection of various samples from each community, analysis of these samples, and a presentation of the results to project stakeholders.

The District has been informed of the results by the contractor. Four high schools were determined to be critical. The District intends to follow up with further testing. Ultimately, the District was pleased that no wide spread contamination was found.

Northampton County, VA (Phase I-Bayview and Phase II-Culls, Cheapside and Fairview)

Phase I- Bayview (Ongoing-Project Not Complete)

This historically poor minority community comprise of homes of former migrant worker shacks not designed for permanent housing. Most homes lack bathrooms and running water. Community wells and pit privies are generally used. Shallow drinking wells have become contaminated by the failing waste disposal systems.

In January 1999, a Municipal Assistance Team met with interested individuals and organizations to address water and wastewater problems. Represented at the meeting were individuals representing local, county, state, and Federal agencies as well as private organizations such as the NAACP, Nature Conservancy and the Bayview Civic Association.

It was determined that substantial Federal and state assistance is available to aid the citizens of Bayview. Unfortunately, at that time, Bayview was not able to access these funds because they could not afford the preliminary engineering studies.

Subsequently, the Office of Municipal Assistance (OMA) was able to assist in funding a study of the failing systems and which evaluated alternatives. Significant coordination between EPA HQ, the Regional State Liaisons Officer, Grants Management, Northampton County officials, the Accomack-Northampton Counties PDC and Congressional leaders resulted in a $30,000 grant award which was made five days of receiving the grant application.

Phase II- Culls, Cheapside and Fairview (Ongoing-Project Not Complete)

A $30,000 grant was awarded to the County for theses three additional areas also suffering from failing septic systems. These three areas are similar to Bayview.