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ADMINISTRATOR'S OVERVIEW

This Annual Operating Guidance outlines EPA's programs for fiscal year 1991. It provides an overview of the main objectives for our national program and for initiatives to prevent pollution, improve management, strengthen enforcement, foster greater public involvement, and bolster science. For EPA and state program managers in the field, it suggests priorities and activities that will be tracked by the Strategic Targeted Activities for Results System (STARS, formerly SPMS). For senior managers, and for Hank and me, STARS is an important quarterly indicator of EPA's progress. It helps us measure our accomplishments, as well as uncover and address problems requiring greater attention.

The tasks that face us are daunting. We must better manage our natural resources to ensure that the air we breathe, the water we drink, and the land we till present no unreasonable threats to human health and ecological well-being. We must protect productive ecosystems -- wetlands, estuaries, forests and the like -- and work to find and promote the right approaches in order to assure our nation continues to prosper and grow in environmentally sound ways. We must extend our base of knowledge, refine and apply the growing scientific understanding of the environment to our decisions, and share our insights and expertise internationally to help make the concept of sustainable economic development a reality. The challenge before us has never been greater.

We should not lose sight of the fact that great progress already has been made during the past two decades. As a nation, we have demonstrated that it is possible to clean up dying lakes and streams, to improve air quality, to protect food supplies, and to contain hazardous wastes. These accomplishments have been possible because of the ceaseless efforts of a good many Americans in the public and private sectors. As I have come to know many of the fine people at EPA, I have become more convinced of this Agency's ability to provide leadership in the environmental arena, and to address environmental concerns in a comprehensive, timely and cost-effective manner. Working together, as an Agency and a country, we can make a real difference.

EPA Goals

During my tenure as Administrator, I have articulated several themes I see as central to EPA's ability to protect human health and the environment. Among these:

- Pollution Prevention: We must strive to instill a pollution prevention ethic internally and outside the Agency, bolstering efforts to prevent pollution at its source before it becomes a problem in addition to controlling its eventual adverse impacts. Pollution prevention, with its emphasis on source reduction and recycling, may be the key to building a sustainable economy for our country and for the planet.

  In all of our work -- from rule-making to permitting to planning -- we must become accustomed to exploring, evaluating and adopting prevention opportunities first; only as a last resort, if those options prove insufficient, should we look to treatment and disposal.

  We must also go outside EPA, to industry, agriculture, energy and transportation, to other federal agencies, to state and local governments, and to the public to encourage, and, if necessary, require prevention activities through information transfer, regulation, demonstration projects, incentives, and training.

- Better Management: We must find ways to do our job better, by focusing on those problems that pose the highest risk to human health and the environment. We must approach our goals strategically, recognizing that while we cannot accomplish everything at once, we can improve management to maximize our effectiveness.

  We must target our resources to achieve the greatest possible reductions in risk to human health and the environment. We must also strive to allocate our resources more effectively, to obtain pollution control and environmental quality as economically as possible. Given the magnitude and growth of society's expenditures for pollution control, this is essential. It is also consistent with our objective of minimizing adverse impacts overall, as opposed to encouraging separate controls that may reduce pollution in one medium but increase it in another. Hank and I have launched an Agency-wide strategic planning process to help us better set priorities and manage more effectively. My view of strategic planning is that it will stimulate thinking across our programs and initiatives, in headquarters and the regional offices, to improve the way we do our jobs.

Strategic thinking and good management go hand-in-hand. Because EPA faces enormous expectations during times of increasing financial constraints, quality becomes even more important. Communication, teamwork, flexibility, innovation -- these are concepts that we must integrate into our daily work lives. We must adopt a philosophy of continuous improvement, not of business-as-usual, to get the most out of the resources available to us. This is at the core of Total Quality Management.

The new Strategic Targeted Activities for Results System (STARS) is an example of such an improvement. First, it is an attempt to target activities likely to yield the most significant environmental results, and to amplify numerical targets with qualitative information on environmental impact. Second, we want STARS to acknowledge and reward, and thereby promote, creative, cooperative solutions to EPA's challenging problems. Finally, we seek to balance national program objectives with regional initiatives to address specific problems. STARS is designed to help us facilitate and manage this process.

- Stronger Enforcement: Enforcement is one of the primary means by which we can assure that the benefits of environmental laws and regulations are actually realized. We must continue to build on the momentum of the record and near-record levels in every category this past year to guarantee a strong enforcement effort, one which emphasizes environmental results, prevents pollution, and enhances deterrence.

  Both federal and state enforcement programs have grown steadily over the past several years. In FY 1991, we must continue to integrate criminal enforcement within each media, and to improve Federal facilities compliance to assure that the compliance rates of these facilities are at least as high as other source categories. We need to expand cooperative efforts with other regulatory agencies (such as OSHA and the SEC) whose compliance responsibilities cover some of the same facilities and industries as our own. We need to make sure that violators are detected, convicted, penalized, and made to bear the cost of cleanup. We must create a climate which compels everyone to prevent pollution and minimize waste.

  We need to develop a targeted, cross-media approach to identifying and correcting violations. During the next several years, the programs will make use of the Agency's new and enhanced data systems to develop a more focused within-media and cross-media targeting capability based on health and ecological risk. We are beginning to test this approach through Regional enforcement pilot projects. In FY 1991, the programs and Regions should target initiatives on

a geographic, industry, or pollutant-specific basis, and to use the annual Agreements process to encourage the States to do the same.

- Greater Public Participation: We must involve all members of society in meeting the country's environmental challenges. Protecting the environment will require greater participation by industry, by conservation groups, by local and state governments, by other agencies of the federal government, by other countries. Many of the most promising new ideas are to be found across the country; they are being developed and tested by state and local governments, private firms, not-for-profit groups, and others. We must work with local innovators, listen to their ideas, promote the successful ones, and foster the transfer of innovative approaches nationally and internationally.

  I encourage every program office to reach out and to strengthen working relationships with the full range of interested parties.

- Improved Scientific Understanding: We must improve upon our efforts in the environmental sciences, from tracking environmental problems to the measurement of results. Predicting the environmental and health effects of pollution, standard setting, enforcement, improving pollution control technologies, and pollution prevention -- all depend on science. Good science is at the core of determining how to use our limited resources to achieve the greatest and most beneficial risk reduction.

Preventing pollution, better management, strong enforcement, increased public participation, and expanding scientific knowledge -- these will help us protect human health and the environment now and for future generations.

We have a special opportunity in the years ahead to set the course and pace of environmental policy in the 1990s and well into the next century. We have a chance to make a tangible difference at home and abroad. Let's get to it! Best wishes for a successful and challenging year.

William K. Reilly

William K. Reilly

Office Of Air
And Radiation

OFFICE OF AIR AND RADIATION

FY 1991 OPERATING GUIDANCE

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OFFICE OF AIR AND RADIATION

ASSISTANT ADMINISTRATOR'S OVERVIEW

FY 1991 is likely to be the first full year of implementation of a revised Clean Air Act. This operating guidance provides direction for 1991 priorities while recognizing that there are still many uncertainties about the final requirements of the proposed Clean Air Act amendments.

This 1991 guidance is consistent with the FY 1992-1995 strategic plan for the Office of Air and Radiation. Through the strategic planning process, OAR has established seven high priority program areas:

- Stratospheric ozone depletion
- Global warming
- Acid deposition
- National Ambient Air Quality Standards attainment
- Air toxics
- Radon and indoor air
- Radioactive waste and emergency response

For each area, the strategic plan identifies priority activities for FY 1992 to FY 1995. This operating guidance and the subsequent Clean Air Act implementation plan are the basis for accomplishing those priorities. During FY 1991, the focus of activity to implement the revised Clean Air Act will be development of regulations and guidelines by headquarters. In FY 1992 the focus will move to the regions and states to begin implementation.

The FY 1991 President's budget proposes a substantial increase in resources to implement the revised Clean Air Act. OAR will continue to work with the regions, and state and local agencies to define the costs of implementation.

Because of uncertainties about the final requirements of the amendments, this guidance lacks some of the details that are normally included. There are no STARS measures or detailed activities for air activities that will be affected by the Clean Air Act amendments (ozone/carbon monoxide, PM-10, air toxics, and acid deposition). However, there are STARS measures and detailed activities for radiation. There are also detailed activities for stratospheric ozone depletion, global warming, and indoor air.

The Office of Air and Radiation (OAR) plans to issue grants guidance by May 30, 1991 for use by regions and states in

negotiating FY 1991 grants. The grants guidance will contain detailed descriptions of FY 1991 activities based on our best understanding of the status of the amendments. When the amendments are passed, OAR, working with the regions and states, will complete a multi-year Clean Air Act implementation plan.

This guidance contains two appendices. Appendix I, Major Objectives and Priority Activities, describes in more detail the high priority components of national programs and the activities that must be undertaken by EPA and by state, local and Tribal agencies to carry out the national strategy for addressing each problem. The description of national programs is followed by a discussion of the environmental indicators that will be used to assess progress in meeting environmental objectives. The appendix then lists the major program activities for headquarters, regions, and states ("state" is often used generically in the guidance to identify actions that may also be carried out by local or Tribal agencies). The activities are coded to indicate a high priority activity (P), a new activity (N), increased emphasis on an activity (+), or decreased emphasis on an activity (-). The list of program activities is followed by a summary of the support that will be provided by EPA's Office of Research and Development (ORD). Finally, the appendix summarizes the activities that EPA regional offices will undertake during FY 1991 to enhance the implementation of national priorities or address region-specific problems with high health or environmental risks. Appendix II contains the STAR measures and definitions for FY 1991.

FY 1991 AIR AND RADIATION OPERATING GUIDANCE

A. Impact of Proposed Clean Air Act Amendments

President Bush has proposed amendments to the Clean Air Act (HR 3030). The proposed amendments include revisions to attainment requirements for National Ambient Air Quality Standards (NAAQSs), a clean fuels program, revisions to motor vehicle emission standards, a new approach to addressing toxic air pollutants, new requirements for state permit programs supported by permit fees, a new program to reduce acid deposition, and new enforcement authorities.

These amendments, now being considered by Congress, are likely to become law during FY 1990 and will have a significant impact on the FY 1991 air and radiation programs.

Because of uncertainties about FY 1991 Clean Air Act requirements, EPA is not able to develop detailed air operating guidance at this time. This guidance therefore focuses on those air activities that will continue from FY 1990 to FY 1991 and identifies some possible new FY 1991 activities based on the Clean Air Act Amendments proposed by the President.

EPA expects to prepare detailed FY 1991 air operating guidance after Clean Air Act Amendments are passed. This guidance will most likely take the form of a multi-year Clean Air Act implementation plan that identifies the roles and responsibilities of EPA Headquarters Offices, Regional Offices, and state and local governments.

EPA also plans to issue detailed FY 1991 grants guidance by May 30, 1990. The grants guidance will focus on FY 1991 state, local and Regional activities and should be used as the basis for negotiation of FY 1991 air program grants.

B. Major Environmental Priorities

In addition to new priorities that may be established by the revised Clean Air Act, the FY 1991 air and radiation programs will continue to focus on the major environmental priorities ranked as most important by states and EPA Regional Offices in a 1989 survey. EPA's 1987 analysis of comparative risks, "Unfinished Business: A Comparative Analysis of Environmental Problems," showed that air and radiation problems represent health and environmental risks that are among the highest the Agency faces. These findings were confirmed by subsequent analyses by Regional Offices. FY 1991 priorities are those listed below.

<u>Achieve NAAQSs</u>. In FY 1991 EPA will continue to place the highest national priority on aggressively carrying out programs

to attain NAAQSs for ozone, carbon monoxide and size-specific particulate matter (PM-10). Activities under the current post-1987 nonattainment program will continue. New activities will be based on requirements of the revised Clean Air Act.

Develop and implement programs to solve growing national and international problems. Stratospheric ozone depletion, indoor air pollution, and global warming have become major national and international concerns. In FY 1991 EPA will continue to provide Federal leadership in developing national and international policies and programs to address these major environmental problems.

Reduce the risk of exposure to unhealthful levels of radiation from indoor radon. In FY 1991 EPA will continue to work in partnership with the states to develop and implement programs to reduce levels of radon in homes, schools, and workplaces.

Reduce the health risks from toxic air pollutants. In FY 1991 EPA will implement a national strategy that is consistent with proposed revisions to the Clean Air Act. EPA will continue to work to increase the capabilities of states to address local concerns involving high-risk point sources or multi-pollutant, multi-source urban problems.

Develop and implement programs to address radioactive wastes and emissions. In FY 1991 EPA will work with other Federal agencies and with states to reduce the risks of radioactive wastes and emissions.

Develop and implement programs to reduce acid deposition. The proposed Clean Air Act Amendments contain new provisions for sulfur dioxide and nitrogen oxide emission reductions through a system of allowances. EPA will begin to develop implementing regulations and a system to track allowances and emissions. EPA will continue to work with the Department of Energy (DOE) on the Clean Coal Technology Program and support Administration activities with Canada to achieve a bilateral accord on emissions technology, controls, and limits.

C. FY 1991 Strategies for the Air and Radiation Programs

1. Achieve NAAQSs

Ozone/carbon monoxide attainment. The Clean Air Act Amendments, once enacted, will affect the ozone/carbon monoxide control program. However, most of the activities required by the post-1987 nonattainment program will likely be required under the amendments. Therefore, states should not delay action under the current program pending passage of a revised Clean Air Act.

Additional progress towards attainment of the current NAAQS for ozone and carbon monoxide will require: (1) continued implementation and enforcement of existing EPA, state, and local measures to reduce levels of ozone and carbon monoxide, (2) completion of additional state actions for areas with state implementation plans (SIPs) determined by EPA to be "substantially inadequate," and (3) implementation of new amendments to the Clean Air Act and/or a new national policy for post-1987 nonattainment areas.

In May 1988 EPA notified 42 states and the District of Columbia that their SIPs were substantially inadequate for ozone and/or carbon monoxide nonattainment areas. In November 1989, EPA notified 16 states that their SIPs were substantially inadequate for additional nonattainment areas, based on more recent 1988 air quality data. These formal notifications, or "SIP calls," caused the affected states to begin a process to correct any discrepancies between their current SIPs and EPA guidance, satisfy any unfulfilled commitments in the SIPs, and update the base-year emissions inventories. Some states must also monitor nonmethane organic compounds (NMOCs). States in the first group were scheduled to submit revised regulations to EPA in late FY 1989 and draft emissions inventories in early FY 1990, while states in the November 1989 round are scheduled to meet these targets in FY 1991. The process of securing complete and adequate state responses to the "SIP call" has been delayed and some of the work will likely be carried over in FY 1991.

In FY 1991 EPA and the states will need to carry out a number of activities to further the ozone/carbon monoxide control program. These include: (1) collection and analysis of air quality data and assessment of the adequacy of monitoring networks; (2) assessment of the adequacy of volatile organic compound (VOC) regulatory portions of SIPs, including the responses to EPA's May 1988 and November 1989 notifications; (3) performance of compliance investigations, audits, and follow-ups; and (4) continuation of rule-effectiveness studies.

The enforcement program will maintain its ability to focus resources in FY 1991 on generic compliance problems through targeting initiatives, such as by geographic area or industry category. Such targeting may be region specific or it may result from identification of a nationwide problem by Headquarters.

In FY 1991 states will maintain and operate their existing National Air Monitoring System (NAMS) and State and Local Air Monitoring System (SLAMS) networks and report data according to established schedules. EPA will evaluate the ozone and carbon monoxide data collected by state and local agencies and use the results to help identify any additional areas failing to attain,

and therefore having deficient SIPs. EPA will continue to issue "SIP call" notices to states, where appropriate.

Within available resources, during FY 1991 state and local agencies should conduct evaluations of their carbon monoxide and ozone networks to determine whether the existing networks provide adequate surveillance of all areas designated as nonattainment. For ozone, such evaluations should draw upon available modeling results and should address the needs of the modeling planned for each area, including coverage in rural areas impacted by transport. For carbon monoxide, such evaluations should include short-term saturation studies using low cost, portable, battery operated monitors to determine the adequacy of the existing fixed site networks, and ensure that areas of potentially high concentrations are being monitored. Based on the results of these evaluations and saturation studies, modifications to the NAMS and SLAMS network descriptions should be prepared and should include the acquisition or relocation of samplers and the establishment of new sites. For both carbon monoxide and ozone, all monitors should be assessed for age and condition and a plan prepared for the replacement of monitors found to be in poor condition.

In FY 1991 EPA expects that states will be completing corrections to 1987 or 1988 base year ozone/carbon monoxide SIP emission inventories based on EPA's review of these inventories conducted during FY 1990. As a result of the November 1989 SIP calls, some states will be conducting inventories in FY 1990. These will also be subject to correction activities during FY 1991.

Also during FY 1991, states will continue using EPA's guidance for development of future year projections of the baseline inventory. Projection guidance is scheduled to become available in mid-FY 1990.

The revised Clean Air Act will likely require that the base year for the ozone/carbon monoxide SIP inventories be the year of enactment (probably 1990). States will therefore be obliged to make updates to their 1987 or 1988 inventories. In addition, checks will be needed to ensure that consistent procedures and assumptions are used in areas subject to major transport. However, efforts to build and quality assure the 1987 or 1988 inventories will not be wasted. Soon after enactment, EPA is planning to issue guidance on how to update the earlier inventories. Major considerations for this guidance are the accuracy of the initial inventory, the efficiency of conversion, consistency of estimation techniques, and the availability of state, local, and Regional resources to accomplish the work. For example, EPA expects that only larger point sources will need to be resurveyed under the new updating guidance. For most sources the guidance will prescribe less resource-consuming estimation factors or techniques to reflect activity levels in the new base

year. States should complete corrections to the 1987 or 1988 inventories before updating them to the year of enactment. Under a new Clean Air Act, updating of the baseline inventory should take precedence over the future year projection activity.

The above activities mainly involve the building of basic inventories of emission sources that are compatible with EKMA-type model applications. For severe and serious ozone nonattainment areas, the proposed Clean Air Act Amendments may require application of an AIRSHED type photochemical model. Such models have additional data needs beyond what is collected in a basic inventory (e.g., gridding and speciation). Therefore, for these areas the inventory development burden would be increased and, in some cases, preliminary modeling analyses would be performed. EPA plans to issue specific inventory development guidance for photochemical modeling in late FY 1990 or early FY 1991. Efforts to provide training and guidance to states anticipating use of the Urban Airshed Model will be undertaken. Additionally, special modeling activities, such as those being conducted in the Northeast and the Great Lakes area, will continue throughout the fiscal year.

In FY 1991 EPA will provide states with continuing guidance in the assessment and correction of SIPs. EPA will continue to coordinate implementation of the program to review the effectiveness of selected rules. In addition, the Agency will help states conduct studies, identify and implement corrective actions to existing regulations, and modify SIP strategies and demonstrations, if necessary. EPA will maintain technical support clearinghouses to assist states in development and implementation of rules.

In FY 1991 EPA will work with states to enhance compliance of stationary sources of VOCs in ozone nonattainment areas, thus ensuring that compliance with control requirements remains at a high level. EPA and the states will give special attention to identifying and resolving significant violators of VOC emission requirements. Part of this effort includes implementation of guidance on defining a Federally reportable violation and the timely and appropriate enforcement response. States will continue inspection of Class A sources, consistent with EPA compliance monitoring strategy guidance.

In FY 1991 EPA will continue work on the development of new Federal rules for VOC emissions sources that include consumer/commercial products, marine vessel loading and unloading, and architectural and industrial coatings. Work will also continue on the development of control techniques guidelines (CTGs) for seven new VOC source categories. These rules and CTGs will provide support to state efforts to identify additional VOC control measures.

During FY 1991 EPA will ensure compliance with Federal motor vehicle standards through its continuing programs for pre-production certification, assembly line testing, selective enforcement audits, and recall. The Agency will also implement and enforce phase II of the fuel volatility rules scheduled for promulgation in FY 1990. In addition, EPA will continue to work with states to ensure a high compliance rate with emissions standards for in-use vehicles through development and operation of state and local vehicle inspection programs. The Agency will continue to evaluate the impact of vehicle running losses on overall hydrocarbon emissions.

PM-10 Attainment. In FY 1991 EPA and the states will continue the major restructuring of programs for measurement and control of particulate matter. This restructuring was initiated with the promulgation of the PM-10 NAAQS in July 1987. During FY 1991, EPA will continue to provide technical and financial support to assist states in developing and implementing PM-10 SIPs. As part of this effort, EPA will develop additional guidance on PM-10 technical support.

For most Group I areas (i.e., areas with the highest probability for nonattainment), states should be in final stages of completing their PM-10 SIPs during FY 1990. Most states will submit PM-10 SIPs in FY 1990. However, control measures will continue to be added to the SIPs in FY 1991 for areas having difficulty controlling nontraditional sources of PM-10.

States should have three complete years of PM-10 ambient monitoring data for most Group II areas (i.e., areas with moderate probability of nonattainment) by the end of FY 1990. EPA will review the data to identify areas that are violating the PM-10 NAAQS. EPA will guide and assist Group II and Group III areas (i.e., areas with low probability of nonattainment) that are violating the PM-10 NAAQS in developing SIPs during FY 1991.

On December 20, 1989, the Sierra Club sued EPA for failure to take action against those states that failed to submit a PM-10 SIP. It appears the Agency may be able to reach a settlement agreement with the Sierra Club. Such an agreement would require SIPs to be submitted on specific schedules and for EPA to take required actions if those deadlines are not met. Those actions could include imposition of construction bans, withholding of grant funds, and the promulgation of Federal Implementation Plans (FIPs). In addition, EPA may be required to process the PM-10 SIPs on specific schedules. During FY 1991 states will be expected to submit their SIPs in accordance with the requirement of any settlement agreement. Regional Offices will be expected to closely monitor the states' progress and provide technical assistance and other guidance necessary to ensure that the states meet their deadlines. In addition, Regional Offices will be expected to process the state submittals in a timely manner.

High quality data for determining attainment with the PM-10 NAAQS and identifying potential problem areas are essential to effective state and local agency control programs. To collect such data, state and local agencies responsible for NAMS and SLAMS networks need to comply with the 40 CFR 58 monitoring and data reporting regulations. During FY 1990 the SLAMS networks for all Group I areas should be completed. However, additional areas requiring SIP development are expected to be identified during FY 1990 and FY 1991 because of NAAQS exceedances that have occurred since 1987.

During FY 1991 the Regional Offices should work with state and local agencies to conduct short-term saturation studies to evaluate the adequacy of siting and completeness of current networks, and to identify the impact of probable PM-10 contributions such as residential wood combustion, agricultural tilling, and diesel emissions in current SIP areas where ambient levels approach or exceed the NAAQS. Based on the results of these studies, modifications to the NAMS and SLAMS network descriptions should be prepared and should include plans for acquisition or relocation of PM-10 samplers. EPA is developing PM-10 emission factors based on a source testing initiative, begun in FY 1990, for priority source categories identified by Regions and states. EPA will also continue to develop better control efficiency and effectiveness information for traditional and nontraditional sources of PM-10.

Other Pollutants. In general, EPA will target its resources toward NAAQS attainment based on the extent of NAAQS violations, the size of the population exposed, and the feasibility of control. Although in FY 1991 EPA will emphasize progress toward attainment of the NAAQS for ozone/carbon monoxide and PM-10, attainment problems for other pollutants still exist. This is particularly true for sulfur dioxide and lead. Certain states still experience significant localized problem areas and need to correct their sulfur dioxide and lead SIPs. Current Agency regulations on stack height still have not been fully incorporated in some SIPs, and improved continuous compliance techniques need to be implemented. Lead nonattainment is confined to areas in close proximity to certain major point sources. The EPA will work with state and local agencies to correct sulfur dioxide and lead SIP deficiencies contributing to the violations, to improve source compliance, and to develop necessary control measures.

In FY 1991 EPA will promulgate revised or reaffirmed NAAQSs for sulfur dioxide. If the NAAQSs are revised, EPA will have to develop significant new program guidance and all states will need to revise their SIPs. However, regardless of whether NAAQS for sulfur dioxide are revised, EPA will promulgate a revised significant harm level. This will require states to revise their

SIPs to adopt new contingency plans to address potential short-term emergency episodes. Consequently, in FY 1991 the Agency will be revising regulations at 40 CFR 51.116 and associated guidance. EPA will also promulgate rules in response to the remand of portions of the stack height rules. The basic elements of the sulfur dioxide strategy for FY 1991 include: (1) continue to process SIP revisions consistent with NAAQSs and general Agency efforts to improve the quality and enforceability of SIPs; (2) integrate continuous compliance measures more fully into ongoing compliance programs; (3) continue ambient monitoring activities consistent with NAMS and SLAMS regulations; and (4) explore management opportunities to develop, analyze, and apply programs designed to reduce emissions, and to integrate remedial efforts to resolve regulatory deficiencies with other programs affecting the same areas and/or sources, and (5) promulgate new or reaffirmed sulfur dioxide NAAQSs, new significant harm levels, and new stack height rules.

The Agency is currently evaluating whether to revise the lead standard. If it adopts a more stringent standard, it will probably require stricter control of stationary sources including battery plants. Programs to attain the existing lead standard have generally focused on phasedown of lead in gasoline and control of a few point sources. Thus, the lead monitoring program has targeted selected metropolitan areas and a few point sources. Monitoring is not conducted in the vicinity of many smaller point sources. In FY 1991 states should evaluate the existing lead monitoring network and deploy monitors around known lead sources not currently being monitored.

2. Reduce Indoor Radon Levels

The Indoor Radon Abatement Act (IRAA), signed into law in FY 1989, directs EPA to undertake a variety of activities to address the growing scientific and public concern over dangers posed by exposure to radon. This legislation authorizes funding for financial and technical assistance to states, a national survey of radon in schools, the establishment of mitigation and testing proficiency programs, regional training centers, and a Federal buildings survey.

Through its already-established Radon Action Program and other statutory responsibilities, the Agency will continue in FY 1991 to work to reduce the health risks of indoor radon through partnerships with states, other Federal agencies, and the private sector. EPA will continue its state survey program in FY 1991 and will also continue to transfer technical information and capabilities to states, Indian Tribes, and the private sector in the areas of radon assessment, mitigation, and prevention. As part of this effort, the Agency will make available "A Citizen's Guide to Radon" and issue national model construction standards and techniques to prevent radon entry in new construction.

In FY 1991 EPA will complete data analysis and issue a report for the national survey of radon in residences, and collect data for the national school survey. EPA will also continue the National Radon Measurement Proficiency (RMP) and Radon Contractor Proficiency (RCP) programs to test the capabilities of public and private organizations to measure and mitigate indoor radon. The Agency will promulgate a user fee rule for its radon training and proficiency programs in FY 1991.

In FY 1991 EPA will continue the grant program for states to assist them in the development and implementation of radon programs. Preference will be given to states that have encouraged the adoption of model construction standards and techniques. The Agency will also continue its regional training center program initiated in FY 1989.

3. Address Growing National and International Problems

Stratospheric ozone depletion. In FY 1991 EPA will enforce the actions promulgated in August 1988 to address chlorofluorocarbon (CFC) emissions that cause depletion of stratospheric ozone. In addition, the Agency will play a leadership role in international efforts to achieve implementation of the Montreal Protocol. EPA's domestic and international actions are designed to significantly reduce the levels of CFCs introduced into the environment. In FY 1991 the Agency will place greater emphasis on strengthening relationships among EPA Headquarters and Regional Offices, and with other Federal, state and local environmental and public health agencies. FY 1991 efforts will include development of a CFC recycling program.

Global Warming. In FY 1991 EPA will continue to provide international leadership in addressing activities that could lead to global climate change. The Agency will continue implementation of its global climate change workplan and the recommendations outlined in its Report to Congress.

Indoor Air. In FY 1991 EPA will continue to provide policy and research coordination and information dissemination, particularly on high priority indoor air problems. EPA will undertake demonstration and exploratory projects to assess indoor air pollution risks in specific environments and mitigation techniques.

4. Reduce Air Toxics Exposure

Work will continue on developing national emission standards for hazardous air pollutants (NESHAPs) under Section 112 of the current Clean Air Act. In addition, regulations will be developed under the Toxic Substances Control Act and Resource Conservation and Recovery Act, as appropriate. Standards to be

developed include chromium from electroplating and industrial cooling towers; emissions from coke ovens; emissions of 1,3 butadiene, carbon tetrachloride, ethylene oxide, ethylene dichloride, perchloroethylene, methylene chloride, trichloroethylene, and chloroform from the production and some of the uses of the chemicals; degreasing, dry cleaning, ethylene oxide sterilizers, medical waste incineration, municipal waste combustors; municipal landfills; and hazardous waste treatment, storage, and disposal facilities.

In FY 1990 and FY 1991 EPA will shift from a pollutant-by-pollutant approach for developing these standards to a source category approach that will address all of the hazardous pollutants emitted from industrial facilities. This approach is consistent with proposed revisions to the Clean Air Act. Work will be completed on a source category ranking system that will combine health effects, emissions, and numbers of facilities for different industries. In FY 1991 work will begin on developing standards for top candidates from the ranking system. This work will focus on gathering data on hazardous air pollutant emissions, control technologies, control efficiencies, and the cost of control technologies associated with these source categories.

EPA will continue to provide technical and engineering support to state and local agencies through the Control Technology Center (CTC), the Air Risk Information Support Center (Air RISC), the Emission Measurement Technical Information Center (EMTIC), and the National Air Toxics Information Clearinghouse (NATICH). Through these centers, EPA will provide support in the areas of control technology feasibility, efficiency, and costs; modelling, exposure, and risk assessments; toxicity of different chemicals and compounds; test methods for hazardous air pollutants; and availability of Federal, state, and local government reports on air toxics. State and local agencies can also access the Toxic Release Inventory System directly through the NATICH database.

Work will continue to review the exposure assessment methodology to seek ways to improve the estimates of annual long-term exposures and short-term peak release exposures to air toxics. In addition, a combined effort between EPA's Office of Air and Radiation and Office of Research and Development will continue to develop reference dose levels for toxic air pollutants and their short-term noncancer health effects. The EPA will begin a study in FY 1991 to develop estimates of the risks associated with the use of consumer products. When completed, the information will be made available to the public to make informed decisions on which products they wish to use. EPA will continue to review and analyze air toxics emissions data submitted annually by industrial facilities to the Toxic Release Inventory.

EPA will increase efforts to control toxic emissions from motor vehicles and vehicle fuels. For example, EPA will develop new regulations for testing fuels and fuel additives prior to registration, for controlling diesel fuel composition, and for controlling emissions from alternative fueled vehicles. EPA will also continue to monitor the effectiveness of the lead phasedown program and vigorously prosecute violators of the lead phasedown rules. Implementation of the Federal Motor Vehicle Control Program to address ozone and carbon monoxide problems will continue to yield benefits in controlling air toxics.

Another element of the national strategy is to improve the ability of state and local agencies to address air toxics. In FY 1991 EPA will continue to support development and implementation of multi-year state and local plans for reducing air toxics exposures. Nearly all state and major local agencies now have such plans, which contain specific performance milestones. In FY 1991 EPA will stress implementation of previous commitments, adoption of new plan milestones, and integration of air toxics assessment and mitigation activities with ongoing particulate matter and ozone SIP activities. The Agency will place increased emphasis on controlling existing sources.

In FY 1991 EPA will give priority to implementing the revised compliance strategy for the asbestos NESHAP and the compliance monitoring strategy for non-transitory NESHAP sources. The Agency is particularly concerned with the present level of compliance with the asbestos NESHAP and plans several activities to address this problem in FY 1991.

In FY 1991 EPA will maintain the ability to focus resources on generic air toxics compliance problems through targeting initiatives, such as by geographic area or industry category. These initiatives will be designed to address emissions of toxic air pollutants, including unregulated pollutants, from potential high risk facilities.

In FY 1991 Regions and states should develop and implement programs to identify asbestos non-notifiers. Prompt enforcement action should be taken when non-notifiers are found to be in violation of substantive requirements. Regions and states should inspect radionuclides sources that have not been inspected since the effective date of the regulations. Regions and states should develop inventories of all covered benzene sources and monitor compliance with waivers of compliance.

5. Address Radioactive Wastes Nationwide

EPA is a major participant in the Federal program for the disposal of radioactive wastes. In FY 1991 EPA will promulgate disposal regulations for high-level and low-level radioactive wastes and make recommendations to other EPA organizations that

cover radioactive materials in their regulations. EPA will also work with other agencies in their concurrent development of regulations to implement EPA's standards. Additionally, EPA will play an important role in the review of other agencies' major decision documents.

Clean-up of Superfund sites poses unique and difficult problems when the hazardous materials at those sites are contaminated with radioactive waste. In FY 1991 EPA will continue to provide technical assistance in the identification, characterization, and clean-up of contaminated sites. EPA will continue to support Superfund activities to develop guidance under SARA that adequately address radionuclides. EPA will continue development of the hazard ranking system and implementation of the national contingency plan. In addition, EPA will continue field applications of waste volume reduction technologies for naturally occurring radium/thorium and uranium.

6. Reduce Acid Deposition

During FY 1991 EPA will continue its participation on the Domestic Policy Council and the U.S. Bilateral Advisory and Consultative Group with Canada. EPA will use existing state and Regional organizational networks to identify information needs and promote increased utilization of energy conservation. EPA will continue to advise DOE, through the Innovative Control Technology Advisory Panel, on DOE's $2.5 billion Clean Coal Technology Program. EPA will attempt to resolve controversial air permit issues for the Clean Coal Technology program and other innovative control projects.

Depending on the requirements of a revised Clean Air Act, EPA will develop guidance and promulgate rules for the allowance, continuous emission monitoring, clean coal technology demonstrations, and permit systems proposed under Title V of the proposed Clean Air Act Amendments.

7. Other Priority Environmental Problems

Emergency Response to Releases of Hazardous Radioactive Materials. As a major participant in the Federal radiological emergency preparedness and response program, EPA's principal duties are to assess hazards, provide recommendations on protective action, and coordinate Federal monitoring following the emergency phase.

Visibility Protection. On September 5, 1989, the EPA proposed to attribute a significant portion of the visibility impairment observed during the winter months in the Grand Canyon National Park to the Navajo Generating Station located near Page, Arizona. In accordance with recent revisions to the settlement agreement governing this action, EPA must propose new emission limits for

the Navajo Generating Station by February 1, 1991. The EPA expects to finalize its September 5, 1989 attribution decision and promulgate new emission limits for the Navajo Generating Station in FY 1991.

EPA Headquarters is developing a recommended method for visibility monitoring. Following completion and review of the method, guidance will be issued.

8. Other OAR Program Activities

Compliance Oversight. EPA Headquarters will work with Regions and state and local agencies to improve their compliance programs. Regions and state and local agencies should implement the compliance monitoring strategy, including a planning and oversight program.

New source review task force recommendations. In FY 1991 EPA will continue to emphasize the establishment and implementation of effective preconstruction review programs in state and local agencies. EPA will provide guidance, training, workshops, auditing, enforcement, and technical support.

Technology Transfer. In FY 1991 EPA will continue its efforts to build capabilities at the state and local level and to facilitate the commercialization of new technologies. Planned activities for FY 1991 include operating major clearinghouses and technology centers, holding formal training courses, providing self-study material, and funding the university fellowship program.

Waste Minimization and Pollution Prevention. Over the past few years, recognition of the limitations of traditional "end-of-pipe" pollution controls has focused increased attention on waste minimization programs. Contingent upon available resources, EPA plans to continue work in several areas, including: methods of avoiding the generation of mixed chemical/radioactive wastes, the use of alternative fuels, and the development of substitutes and alternative technologies for CFCs and halons.

Public Involvement and Education. EPA will continue to work to ensure full opportunity for public involvement and education in existing programs such as NAAQSs attainment, the Radon Action Plan, and the Montreal Protocol for stratospheric ozone depletion. Effective implementation of a revised Clean Air Act will require substantial public involvement and education. EPA will explore mechanisms to improve early identification of issues requiring public involvement and work to develop mechanisms for providing appropriate participation and education.

Training. The primary goal of this program is to provide information transfer and training for air pollution control professionals to enable them to implement requirements and

programs under the Clean Air Act. New courses are developed, as needed, and instructional materials are revised and updated and provided to university training centers. The EPA staff work with university centers to develop state and local self-sufficiency in training by offering courses at area training centers.

In FY 1991 the Agency will continue to manage its program of training persons involved in air pollution control at the state and local levels. The program will continue to develop, update and revise short courses. In addition, self-instructional training will be provided to persons involved in air pollution control and abatement at the state and local level. Technical support will be provided to states and Regions that provide funding for planning specialty workshops and training courses.

Tribal Implementation Plans. EPA will continue to support Indian Tribes. However, under the present Clean Air Act, it is not clear if EPA is authorized to approve Tribal Implementation Plans (TIPs) if submitted. The proposed Clean Air Act Amendments authorize EPA to treat Tribes as states.

APPENDIX I: MAJOR OBJECTIVES AND PRIORITY ACTIVITIES

This appendix describes in more detail the high priority components of national air and radiation programs. The description of national programs is followed by a discussion of the environmental indicators that will be used to assess progress in meeting environmental objectives. The appendix then lists the major program activities for Headquarters, Regions, and states. The activities are coded to indicate a high priority activity (P), a new activity (N), increased emphasis on an activity (+), or decreased emphasis on an activity (-). The list of program activities is followed by a summary of the support that will be provided by EPA's Office of Research and Development.

A. ENVIRONMENTAL PROBLEMS

1. Ozone/Carbon Monoxide

Major objectives and priority activities for FY 1991 for ozone/carbon monoxide NAAQSs attainment will be developed after passage of Clean Air Act Amendments.

2. PM-10 NAAQS Implementation

Major objectives and priority activities for FY 1991 for PM-10 NAAQSs Implementation will be developed after passage of Clean Air Act Amendments.

3. Indoor Radon

a. Overview of National Strategy

Continue Radon Action Program. The EPA Radon Action Program was instituted in FY 1986 to address the hazard of elevated radon levels in houses and other structures. The overall goal of this program is to minimize the health risks of radon through partnerships with states, other Federal agencies, and the private sector. To accomplish this, EPA is developing and disseminating technical information to encourage and support the development of state and Indian programs and private sector capabilities in the areas of radon assessment and mitigation.

Data collected during the first three years of the Radon Action Program through state surveys, the House Evaluation Program, private vendors, and other sources led the Agency and the U.S. Public Health Service to jointly issue a radon public health advisory on September 12, 1988. The advisory stated that indoor radon gas is a national health problem that causes thousands of deaths each year. The advisory established a national policy that most homes be tested for radon. Further, the advisory recommended that the problem should be corrected if elevated levels were confirmed. On October 18, 1989 the Advertising Council launched a national media campaign to publicize the seriousness of the radon health problem and to urge citizens to test their residences for radon and take corrective action when needed.

The Radon Action Program consists of four major elements to address the hazard of elevated radon levels:

- Problem Assessment: To identify areas with high levels of indoor radon and to determine the national distribution of radon levels and associated risks.

- Mitigation and Prevention: To identify cost-effective methods to reduce indoor radon levels in existing structures and to prevent elevated radon levels in new construction.

- Capability Development: To stimulate the development of state, Indian Tribe, and private sector capabilities to assess and correct indoor radon problems, and to help the public to address radon health hazards.

- Public Information: To work with states and Indian Tribes to provide timely information to the public on indoor radon, its risks, and means available to reduce the risks.

- Federal Coordination: To provide Federal leadership in reducing national radon health risks through cooperation with other Federal agencies in identifying and addressing elevated radon levels in structures for which the agencies are directly or indirectly responsible.

Implement radon responsibilities under SARA. The 1986 Superfund Amendments and Reauthorization Act (SARA) includes provisions that direct the Agency to undertake a number of activities to address indoor radon exposures. Under Title IV of SARA, the Administrator is responsible for coordinating Federal, state, local and private sector efforts to reduce indoor radon levels and for determining appropriate Federal actions to mitigate environmental and health risks from indoor radon. Section 118 of SARA directs EPA to conduct a national assessment of the indoor radon problem in schools, workplaces, and residences, and carry out a mitigation demonstration program. In addition, SARA requires EPA to prepare status reports for Congress on various aspects of the Agency's radon and indoor air programs, including an annual status report outlining progress of all of EPA's mitigation demonstration efforts.

Implement statutory responsibilities under IRAA. IRAA establishes as a goal that indoor air should be as free from radon as the ambient air. It directs EPA to undertake a variety of activities to address the growing scientific and public concern over radon. Many of the provisions of the new law were already being carried out as part of ongoing activities in the Radon Action Program. Other provisions, however, required that EPA institute new activities.

The legislation authorizes EPA, for three years (through FY 1991), to issue grants and provide technical assistance to states, and to establish at least three regional training centers. The law also authorizes EPA to conduct a national survey of radon in schools and to establish mitigation and testing proficiency programs to be later funded through user fee systems. IRAA also requires EPA to develop model construction standards and techniques, update EPA's "A Citizen's Guide to Radon," and survey Federal buildings.

Carry out FY 1991 implementation plan. In FY 1991 the Radon Action Program will continue to implement its base activities and the new activities authorized by IRAA. These IRAA activities include the state grant program, the National Radon Contractor Proficiency program, regional training centers, an update of "A Citizen's Guide to Radon," work in schools, development of model building standards, and technical assistance to build capabilities at the state and local level.

b. Environmental and Effectiveness Indicators

The Congress and the Agency have placed a high priority on assessing the magnitude of the indoor radon problem across the country. EPA will continue in FY 1991 to assist states and Indian Tribes in conducting surveys and working with private vendors to compile measurement data in a national data base. EPA will also continue to acquire new data through its national surveys of residences and workplaces. Because of the extreme variability of radon levels from site to site, it is vitally important that as many houses, schools, and workplaces as possible be measured. A first environmental indicator of the extent of public health risk is the number of individual structures measured that have radon problems. By the end of FY 1989, approximately two million indoor radon measurements had been made in various parts of the country. Based on these and other preliminary data, EPA estimates that 10 percent of the approximately eighty million houses in the United States have indoor radon problems. As the number of measurements in the data base increases, our quantitative understanding of the problem will improve.

The number of houses where indoor radon levels have been reduced to, or below, the current EPA action level of four picocuries per liter (pCi/l) is an important environmental and program effectiveness indicator. EPA will work closely with states to collect this data. The Agency expects the mitigation data base to be considerably improved over the next few years.

c. Major Activities

Headquarters

P (1) Complete data analysis and issue the report for the national survey of radon in residences. (ORP)

P (2) Collect data for the national school survey. (ORP)

P (3) Allocate grant funds to Regions to be issued to states through the State Indoor Radon Grants (SIRG) program to assist in the development and implementation of programs to assess and mitigate radon. Provide national oversight of the SIRG program including assisting Regions in the evaluation of states' performance. (ORP)

P (4) Continue the National Radon Measurement Proficiency and Radon Contractor Proficiency programs to test the capabilities of public and private organizat ons to measure and mitigate indoor radon. Publish results from these

voluntary programs to provide consumers with valuable information about measurement and mitigation firms. (ORP)

(5) Continue to provide the states and selected Indian Tribes with direct radon-related technical assistance. Headquarters technical assistance includes geological consultation, design, and analytic support for approximately five EPA/state radon surveys on state and Tribal lands. (ORP)

(6) Continue national oversight of the regional training center program. Update training materials and assist Regions in their review of operation of existing training centers. (ORP)

(7) In coordination with the regional training centers, continue to provide training and support for Regional and state programs. Offer two to three courses providing classroom training in radon diagnosis and mitigation techniques to develop Federal, state, Indian Tribe, and private sector capabilities. Focus on specialty topics and geographical areas without regional training centers. (ORP)

P (8) Issue model building standards and techniques that should reduce the levels of radon in new houses. (ORP)

(9) In coordination with the regional training centers, continue the House Evaluation Program and mitigation demonstration projects. Issue annual report to Congress. (ORP)

(10) Continue the mitigation research program to develop and demonstrate cost-effective methods for reducing indoor radon concentrations in a variety of housing types across the country. (ORP)

P (11) Continue efforts to develop and disseminate information materials to the public about indoor radon. Initiate a clearinghouse to collect and distribute information on Federal, state, Indian Tribe, local, private sector, and international radon activities. Develop a national radon data base. Continue the Advertising Council's national media campaign to promote citizen action. (ORP)

(12) Revise "A Citizen's Guide to Radon" and make it available to states and Indian Tribes. (ORP)

(13) Promulgate a user fee rule to recover Agency costs for radon training and proficiency programs. (ORP)

Regions

P (1) Oversee the implementation of the state grant program to encourage the development of proactive state radon programs appropriate to individual state radon problems. Assist states in preparing their grant applications. Negotiate and award grants, and evaluate the states' use of grant funds.

P (2) Oversee the operation of regional training centers. Ensure the proper use of EPA training materials and proper testing of participants in the training programs.

\+ (3) Expand public outreach activities by working with states and Tribes to assist them in developing public education materials, including public service announcements, brochures, and posters. Continue to provide the latest EPA publications to the states and Indian Tribes so they can meet public requests for information and answer public questions on radon issues. Promote the adoption of model building codes by state and local governments.

\+ (4) Coordinate Federal radon activities at the Regional level. Coordinate school and workplace efforts in the field.

(5) Continue to provide technical support to states and Indian Tribes to aid them in developing their technical capabilities and radon programs.

(6) Participate in assessment and mitigation programs.

(7) Respond to inquiries from the public, real estate, commercial, legal, and construction sectors. Refer citizens and organizations to state and Tribal contacts when appropriate.

(8) Continue to represent the Agency in meetings with state, local, Tribal, and private sector organizations to discuss EPA's radon program activities.

States

P (1) Use Federal grant funds to develop and implement core and enhanced state programs in the areas of problem assessment, problem response, public information, and program management to assess and mitigate radon. FY 1991 will be the second full year of this program; states are expected to provide a 40 percent match of Federal funds.

+ (2) Continue to initiate survey activities to assess the extent of the radon problem.

+ (3) Coordinate with Local Education Associations (LEAs) and other appropriate state and local organization to implement the national school survey and to identify and reduce radon exposure in schools and day care centers.

(4) Ensure that state staffs are adequately trained to understand radon measurement and mitigation techniques and to properly respond to inquiries on radon problems and issues.

(5) Coordinate with local governments and organizations to develop strong outreach programs that will increase public action in identifying and reducing radon exposure. Obtain a wide variety of public information materials on radon and establish mechanisms to make these materials available to constituents.

+ (6) Be proactive in the adoption of radon building codes in state, county, and other jurisdictions that have building codes.

d. Research and Development Support.

ORD performs key functions in support of the national radon program. In FY 1991 ORD will continue to demonstrate radon mitigation techniques in a variety of structures and will use the results to publish updated handbooks and technical manuals that detail mitigation techniques for homeowners and builders. ORD will also expand its current mitigation demonstration program to address schools with elevated levels of radon.

4. Stratospheric Ozone Depletion

a. Overview of National Strategy

The primary goals of EPA's stratospheric ozone depletion program are:

- To ascertain the extent of chlorine loadings to the stratosphere and their effect on ozone depletion.
- To examine global implications of the Antarctic ozone hole, and corresponding environmental and health effects at various levels of depletion.
- To reduce the use and production of CFCs and other ozone depleters, in the United States and world wide.
- To facilitate the development of alternate technologies and chemicals.

To achieve these goals, the national strategy for addressing stratospheric ozone depletion includes the following five components :

- Full implementation of the August 1988 domestic rule (and its amendments) for the reduction and control of CFCs and halons.
- Intensified response by the Agency to the International Protocol signed by 24 nations in Montreal on September 16, 1987. As of the beginning of FY 1990 47 nations had signed the Protocol.
- Determination of the need for additional rulemakings, including recycling.
- Assessment of the need to reduce total chlorine loadings to the stratosphere by completely eliminating controlled substances in conjunction with limiting carbon tetrachloride and methyl chloroform.
- Greater emphasis on strengthening relationships among EPA offices and with other Federal, state, and local environmental and public health agencies.

b. Environmental and Effectiveness Indicators

Levels of CFC and halon production will be used as indicators to assess progress in achieving the goals of the stratospheric ozone depletion program.

c. **Major Activities**

Headquarters

Continued implementation of the Administrator's regulatory decision.

P, + (1) Operate information and program systems to implement the final rulemaking to control CFCs and halons. (OAIAP and OAQPS)

P, + (2) Continue to implement systems for enforcement, verification, tracking and monitoring compliance with domestic rulemakings. (OAIAP and OAQPS)

+ (3) Subsequent to the public comment period on the Advance Notice of Proposed Rulemaking (ANPRM) decisions made in FY 1989 and FY 1990, undertake regulatory activities such as development of a national recycling program. (OAIAP)

(4) Revise risk assessments. Analyze implications of Antarctic ozone holes and global trends. Analyze new threats to the ozone layer. (OAIAP)

(5) Improve coordination among offices in EPA (e.g., ORD; the Office of General Counsel; the Office of Policy, Planning, and Evaluation; and the Office of International Activities) and with those outside EPA such as the Department of State, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of the Interior, the U.S. Trade Representative, the Customs Service, and the United Nations Environmental Program (UNEP). (OAIAP)

(6) Address emerging scientific issues including global implications of the Antarctic ozone hole and chlorine loadings to the stratosphere. (OAIAP)

International Agreements.

P, (1) Provide active and participatory leadership in implementing and renegotiating the Montreal Protocol. (OAIAP)

(2) Enhance exchange of technical information on CFC and halon reduction technologies. (OAIAP)

+ (3) Improve outreach through mechanisms such as undertaking international missions with interested nations to

encourage maximum participation in Montreal Protocol agreement. (OAIAP)

(4) Provide for analysis of trade issues in the Montreal Protocol agreement. (OAIAP)

(5) Improve cooperation with the State Department, and make arrangements with UNEP for exchange of information about domestic rulemaking implementation. This activity includes collection and reporting of statistics on production, use, enforcement, and compliance. (OAIAP)

+ (6) Enhance technical assistance to lesser-developed nations. (OAIAP)

Update risk assessment and management studies.

P (1) Evaluate science and new technologies leading to revisions to CFC risk assessment documentation. (OAIAP)

P (2) Continue to evaluate other chemical substitutes for refrigeration systems, automobile air conditioning systems, fire-fighting foams, and other CFC uses. Evaluate toxicological testing of new chemical substitutes. (OAIAP)

Regions

(1) Coordinate response to inquiries from the public or industry, disseminate EPA information materials, and inform state and local governments about the stratospheric ozone protection program.

(2) Conduct field investigations to insure compliance with domestic rulemakings and participate in enforcement proceedings as necessary.

d. Research and Development Support

In FY 1990 EPA significantly expanded its stratospheric modification research, and this effort continues into FY 1991. ORD has prepared a long-range research plan for stratospheric ozone that will guide future research efforts. Essential components of this plan included research on: ecological and other ecosystems; control technology for and alternatives to CFCs and halons; immune and other human health effects; monitoring and trends analysis; and regional modeling of changes in stratospheric ozone. ORD will also focus on the impacts of ozone depletion on rice production and other impacts relevant to lesser developed countries. ORD's research is closely coordinated with that being planned and performed by other Federal agencies, to ensure that Federal government efforts are carried out in a complementary and economical fashion.

5. Address Radioactive Wastes Nationwide

a. Overview of National Strategy

Complete the regulatory agenda for radioactive waste disposal. EPA is a major participant with DOE, the Nuclear Regulatory Commission (NRC), and other Federal agencies in the Federal program for disposal of radioactive wastes. Several major regulatory tasks remain for the Agency including promulgation of standards for low-level and high-level radioactive wastes and development of criteria for residual radioactivity levels at decommissioned facilities and sites.

Develop low-level waste standards. EPA's primary goal for the low-level waste program is to help ensure that all states have access to adequate disposal facilities, including sites to dispose of radium-contaminated wastes. To help achieve this goal, the Agency will promulgate a standard for land disposal of low-level wastes and work with states to develop their capabilities to oversee the siting and operation of low-level disposal facilities.

EPA will propose a standard for land disposal of low-level wastes in FY 1990 and will continue development work on the standard through the end of that fiscal year and into FY 1991. The standard is scheduled for promulgation in FY 1991.

Repropose high-level waste standards. Spent nuclear fuel and high-level and transuranic radioactive wastes are very hazardous materials that must be disposed of with special care. In July 1987 the U.S. Court of Appeals for the First Circuit vacated EPA standards for high-level wastes promulgated in 1985 and remanded them to the Agency for further consideration. This remand left the various high-level waste disposal programs without a regulatory framework, although some Federal and state agencies have agreed to use the 1985 standards as an informal guide. EPA will repropose the high-level waste standards in FY 1990 and promulgate the final standards in FY 1991.

Develop criteria for residual radioactivity. In FY 1991 EPA will resume its efforts to develop guidance and standards to address problems associated with residual radioactivity at some 20,000 decommissioned facilities and sites where nuclear materials have been used. The Agency will also develop a national inventory of such sites. At least 500 of the facilities and sites are large and significantly contaminated with radioactivity.

Health protection standards are needed for contaminated facilities because most will ultimately be decommissioned and released to the public with no restrictions based upon residual radioactivity. Individual health risks could be very high. Current Federal guidance, which was not designed specifically for

residual radioactivity, permits up to a one in 100 lifetime risk. Because decontamination and decommissioning efforts will cost hundreds of billions of dollars, this is also an issue of substantial economic importance.

Support Superfund site clean-up. Investigation and clean-up of Superfund sites pose unique and difficult problems when the hazardous materials at those sites contain radioactive components. In their continuing support of the Superfund program, Headquarters and Regional radiation staffs will provide advice and technical assistance to identify and clean up radioactively contaminated sites in a consistent, protective, and cost-effective manner.

In FY 1991 the Superfund program will also continue to provide the following types of technical assistance: (1) evaluations of site-specific radiation problems, (2) sampling and analyses of potentially radioactive wastes, (3) implementation of alternative technologies for physical/chemical separation and volume reduction of radioactively contaminated wastes, (4) evaluations of remedial actions at radioactive sites, and (5) radiation response training. Much of this assistance will be provided to the Regions to aid them in using uniform procedures for assessing site radiation problems and in evaluating the viability of prospective site clean-up/remediation technologies and procedures. EPA will also implement a training and health safety program to train and monitor Regional, state, and contractor personnel working at radionuclide and mixed waste sites.

b. Environmental and Effectiveness Indicators

EPA will assess two potential environmental indicators for application in FY 1991. The first indicator will provide some measure of states' success in entering low-level waste compacts and in siting low-level waste disposal facilities. EPA's low-level waste standards must provide the states and the public with confidence that potential health risks associated with disposal sites will be minimized. The second environmental indicator would provide a measure of the number of radioactively contaminated Superfund sites that have been successfully addressed, compared to the total number of sites identified.

c. Major Activities

(1) Low-Level Radioactive Waste

Headquarters

P (1) Respond to public comments on proposed low-level waste standard; continue final standard development; promulgate the final rule. (ORP)

+ (2) Provide assistance to states in the application of site evaluation guidance and computer models. Continue to make PRESTO risk assessment model available to states. (ORP)

(3) Provide technical expertise and coordination to aid states in site selection and standards implementation by participating in organizations such as the Conference of Radiation Control Program Directors (CRCPD), the Low-Level Waste Policy Makers Forum, and the Host State Technical Coordinating Committee. (ORP)

Regions

+ (1) Assist states in interpreting low-level waste standards, including groundwater protection requirements (e.g., applying the EPA groundwater classification system at prospective low-level waste sites).

+ (2) Assist states with locating disposal sites by providing technical assistance using the EPA risk assessment models.

States

(1) Use EPA risk assessment models to evaluate prospective low-level waste disposal sites.

(2) High-level Radioactive Waste

Headquarters

P (1) Respond to public comments on the proposed high-level waste standard. Promulgate the final rule. (ORP)

(2) Work with Nevada and New Mexico to assess high-level and transuranic waste disposal sites. (ORP)

(3) Residual Radioactivity

Headquarters

(1) Resume development of guidance for clean-up of residual radioactivity at contaminated sites. (ORP)

Regions

(1) Identify radioactively contaminated sites.

States

(1) Assist Regions in identifying radioactively contaminated sites.

(4) Superfund Support

Headquarters

P (1) Continue field applications of the Volume Reduction/Chemical Extraction (VORCE) project (e.g., remediation at National Priority List (NPL) sites such as Glen Ridge/Montclair, New Jersey). (ORP)

(2) Implement a training and health safety program to train and monitor Regional, state, and contractor personnel working at radionuclide and mixed waste sites.

Regions

(1) Assist in developing site safety procedures and training units for radiation contaminated Superfund sites.

States

(1) Identify problems and suggest solutions for implementation of Federal Applicable or Relevant and Appropriate Requirements (ARARS) for clean-up of radiation contaminated Superfund NPL sites.

6. Global Warming

a. Overview of National Strategy

The goals of the global warming program are (1) to take positive actions over the next three to five years to increase understanding of the relationship of trace gases in the biosphere to an apparent global climate change; and (2) to reduce the long-term health and ecological risks associated with global warming.

EPA's approach to addressing the global warming problem includes the following activities:

- Continue development of analytical capability for analysis of policy issues and continue preparation and refinement of a five-year EPA plan.
- Continue to work in cooperation with other Federal agencies to shape a total national climate program.
- Use reports requested by the Congress as a focal point for activities.
- Provide information to Congress about options for altering the rate of trace gas growth in the atmosphere and the potential environmental impacts of climate change in areas of water resources, ecosystems, agriculture, and human health.
- Provide information that can stimulate other countries concerned with the global climate change issues.
- Assist in identifying emission reduction strategies and potential economic impacts for consideration at various levels of government and in the private sector.

b. Environmental and Effectiveness Indicators

The Agency will use as environmental indicators reductions of atmospheric concentrations of gases that are found to cause global warming. These gases include carbon dioxide and other trace gases such as carbon monoxide, nitric oxide, nitrogen oxides, and methane.

c. Major Activities

Headquarters

P (1) Assist in implementation of the global climate change work plan by participating in environmental effects analysis, trace gas model development, emission

characterization determinations, general circulation modeling, and control strategy analysis. (OPPE)

P (2) Provide international leadership through the following actions:

- o Participation, along with UNEP and the World Meteorological Organization (WMO), in World Climate Conferences.
- o Participation in UNEP and WMO studies with other interested nations such as the U.S.S.R. and Canada.
- o Providing scientific and technical information to foreign countries on control options.
- o Development, in cooperation with other EPA offices and Federal agencies, of a national uniform global warming policy.
- o Conduct of a study of environmental effect.
- o Providing information to UNEP and interested foreign countries to increase understanding of global warming.

P (3) Complete development of the reports to Congress. Participate in developing risk assessment and risk management aspects of global climate change information for the reports. Evaluate control options and provide analysis of impacts on water resources, ecosystems, forests, and human health effects. Assist in coordinating production of the reports. (OPPE)

(4) Analyze how various air programs relate to global atmospheric change. Investigate contribution of traditional emission sources (such as methane) to greenhouse issues. Examine whether a joint strategy to reduce emissions in several areas and influence greenhouse and traditional pollutants is more effective than pollutant-by-pollutant approaches. (OAIAP)

(5) Develop data and assess economic impacts of global warming; assess feasibility of meeting reduction goals. (OAIAP)

(6) Examine control technologies and strategies; emphasize those technologies and strategies that reduce emissions at some level of profit; coordinate with industry to ensure that necessary concerns are addressed. (OAIAP)

Regions

(1) Coordinate response to inquiries from the public and industry, disseminate EPA information materials, and inform state and local governments about the global warming program.

d. Research and Development Support

As with stratospheric ozone research, global warming research is being coordinated with other Federal agencies. A long-range research plan is being produced in conjunction with these other agencies. Future research will be based on the needs identified during preparation of this plan. Ecological effects research will be a key feature in ORD's program. ORD will work closely with OAR to provide information on control options to Congress. In addition, ORD will provide data needed for policy decision-making, preparation of EPA's five-year plan, and the Federal national climate program.

7. Indoor Air

a. Overview of National Strategy

The goals of the program are: (1) to identify the nature and magnitude of the health and welfare problems posed by indoor air pollution, and (2) to reduce the risk to human health and productivity by reducing exposure to indoor air pollutants.

Recognizing the need to develop a more systematic approach to indoor air quality problems, Congress included provisions in Title IV of SARA requiring EPA to conduct a research and information dissemination program and submit a Report to Congress with "appropriate recommendations" covering the Federal role in addressing indoor air quality issues.

The indoor air strategy that evolved is designed: (1) to coordinate EPA and other Federal activities, (2) to guide the preparation and dissemination of information materials, and (3) to provide policy direction to the EPA indoor air research program.

b. Environmental and Effectiveness Indicators

EPA is continuing to work towards developing suitable indicators of environmental improvement.

c. Major Activities

Headquarters

Coordinate indoor air activities of EPA and other government and non-government agencies.

p (1) Track and coordinate all EPA research, information dissemination, and technical assistance programs carried out by other program offices and ORD. (OAIAP)

(2) Serve as the lead co-chair agency of the Interagency Committee on Indoor Air Quality (CIAQ); organize the quarterly meetings and update the chart of Federal indoor air quality activities. (OAIAP)

(3) Assist EPA Regions and state and local agencies in addressing indoor air problems. (OAIAP)

Prepare and Disseminate Information on High Priority Problems

P (1) Work with appropriate private and public sector organizations to develop technical materials including: a manual on environmental tobacco smoke, a manual on prevention of indoor air quality problems in

nonresidential buildings, an interim guide to new home construction, a guide to managing indoor air quality in schools, and a course on indoor air quality for state and local officials. (OAIAP)

(2) Disseminate publications targeted at the general public including: a booklet on indoor air quality, a directory of state indoor air quality activities, a series of indoor air quality fact sheets, a manual to conduct building investigations and a physicians handbook.

+ (3) Begin to establish an indoor air quality clearinghouse. (OAIAP)

(4) Work with appropriate private sector organizations to develop written materials and training programs on how to conduct building indoor air quality assessments and problem investigations, and how to correct indoor air quality problems. (OAIAP)

+ (5) Use Regional Training Centers as information distribution mechanisms.

+ (6) Complete an inventory of international indoor air activities.

Regions

(1) Answer inquiries from the public, disseminate EPA materials on indoor air quality, and encourage state and local programs to address indoor air problems.

(2) Assist state and local agencies in developing and implementing indoor air programs (e.g., surveys and training).

d. Research and Development Support

As authorized by Title IV of SARA, ORD will provide data for information dissemination, technical assistance, and training efforts. ORD's indoor research program has an interdisciplinary focus, that includes identifying major sources of indoor air pollution, assessing the exposure to pollutant and mixtures of pollutants found indoors, determining the kind and extent of health effects from typical exposure, and evaluating mitigation options. Where appropriate, ORD coordinates its research with that of other Federal agencies.

8. Air Toxics

Major objectives and priority activities for FY 1991 for air toxics will be developed after passage of Clean Air Act Amendments.

9. Acid Deposition

Major objectives and priority activities for FY 1991 for acid deposition will be developed after passage of Clean Air Act Amendments.

10. Other Priority Environmental Problems

a. Emergency Response to Release of Hazardous Radioactive Materials

EPA is a major participant in the Federal emergency preparedness program established to deal with radiological emergencies. Other participants include the Federal Emergency Management Agency, DOE, and NRC. EPA's principal duties are to help assess the nature and extent of radiation hazard, to provide guidance on acceptable emergency levels of radiation in the environment, and to coordinate Federal monitoring following the emergency phase of an accident.

The primary goals of EPA's radiological emergency response capability are (1) to maintain personnel and equipment in a state of readiness, and (2) to upgrade the system where necessary to improve its performance. EPA has prepared a nuclear accident strategy that includes a comprehensive program for improved planning for and execution of response to nuclear accidents. During FY 1991 EPA Headquarters and Regional radiation staffs will continue to participate in field exercises and provide training to the states. Regional staff will continue to review state and local nuclear accident response plans for fixed nuclear facilities. The Agency will also continue to operate the 268 station Environmental Radiation Ambient Monitoring System (ERAMS) and explore ways to improve the responsiveness of this system.

b. Visibility Protection

On September 5, 1989 EPA proposed to attribute a significant portion of the visibility impairment observed during the winter months in the Grand Canyon National Park to the Navajo Generating Station located near Page, Arizona. In accordance with recent revisions (July 6, 1989) to the settlement agreement governing this action, EPA must propose new emission limits for the Navajo Generating Station by February 1, 1990. The EPA expects to finalize its September 5, 1989 attribution decision and promulgate new emission limits for the Navajo Generating Station in FY 1991.

EPA Headquarters is developing a recommended method for visibility monitoring. Following completion and review of the method, guidance will be issued.

B. OTHER OAR PROGRAM ACTIVITIES

1. Technology Transfer

Businesses and consumers are increasingly concerned about stratospheric ozone protection. The certainty of international and national regulation is resulting in rapid development of new technology to protect against the depletion of ozone. This technology needs to be commercialized in the United States and transferred to other countries, particularly lesser-developed nations.

EPA has several projects to facilitate the commercialization of new technologies within the United States. For example, EPA and DOD have joined with representatives of industry to test and certify the ability of new solvents to clean electronic assemblies. The Agency has also co-sponsored industry-government projects investigating alternative refrigeration mixtures, alternative foam structures and refrigeration cycles.

EPA also has several on-going projects to transfer technology to nations that have signed the Montreal Protocol. These efforts include participation in international panels of technology experts, and cooperative basic research projects to reduce the effects of ozone depleting chemicals.

2. Waste Minimization and Pollution Prevention

Work is proceeding on the development of alternative technologies for CFCs and halons, including: recycling and recovering CFCs, technologies to reduce emissions from halons, and the assessment and development of new chemical alternatives for CFCs and halons.

Office Of Water

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FY 1991 WATER PROGRAMS AGENCY OPERATING GUIDANCE

I. NATIONAL PROGRAM MANAGER'S OVERVIEW

INTRODUCTION

The Water portion of the Agency's FY 1991 Operating Guidance provides national direction to EPA, States, Indian Tribes, and the regulated community in carrying out programs mandated under Federal water protection statutes.* These statutes include: the Safe Drinking Water Act (SDWA), as amended by the Lead Contamination Control Act of 1988; the Clean Water Act (CWA); and the Marine Protection, Research and Sanctuaries Act (MPRSA), as amended by the Ocean Dumping Ban Act of 1988. The Agency and the States also implement programs to protect groundwater quality through provisions under several different statutes.

The Office of Water (OW) uses a management accountability system to set priorities, define performance expectations and track and assess EPA and State performance. This system is intended to promote the effective functioning of the Water programs linking a number of organizations at the Federal and State level (and, in some programs, local governments as well) to a common set of objectives and expectations when they are operating under these Federal statutes. The Office of Water Accountability System (OWAS) includes the OW portion of the Guidance, the accompanying STARS measures, the OW program evaluation guide with quantitative and qualitative measures, and OW Regional evaluations.

PROGRAM DIRECTIONS AND PRIORITIES

In FY 1991 the OW program will continue emphasis on sustaining ecological resources and protecting human health and welfare through the protection, restoration, and enhancement of the Nation's water resources: rivers and streams, lakes, coastal and marine waters, wetlands, ground water, and public drinking water supplies. FY 1991 also represents a transition year as preparations are made to implement the Office of Water's Four Year Strategy For Fiscal Years 1992-1995, which was developed in FY 1990.

This Strategy stresses that the future health of our water resources depends not only on our ability to successfully maintain and improve well established and operated Federal/State/Indian

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* The term State does not include Indian Tribes. The terms Indian Tribes, Indian Tribes treated as States, and Indian Tribes with Primary are inserted after the term State where it is appropriate to do so.

Tribe regulatory programs, but also on our capability to obtain public support to build partnerships that will work toward sustainability and renewability of our water resources for future generations. Therefore, in addition to our traditional programs that reduce health and environmental risks through control of pollutant loadings, we will place emphasis on initiatives that target resources toward conserving and protecting the most ecologically sensitive, environmentally threatened and valuable bay, lake, estuary, coastal, watershed, wetland and ground-water resources. The thrust of these initiatives is to empower the States, Indian Tribes and local citizens and governments to undertake geographically-based water resource management projects. The major role of the Federal, State, and Indian Tribe governments in these initiatives will be technical, scientific, and educational support of the efforts of our partners, and evaluation of the success of these approaches.

The Strategy also places a greater emphasis on measuring environmental results, such as: improvement in the chemical or physical condition of a resource, human health risk reduction, and demonstrable prevention of degradation of a resource. Measurement of these environmental results will be accomplished through increased use of environmental and health indicators. The approach advocated in the Strategy will also require increased attention to problems associated with the habitat, sediment, and living resource components of the aquatic resources we protect and manage. This will be achieved through integrated water quality management that combines regulatory and non - regulatory approaches to conserve and protect natural resources and emphasizes cross program cooperation to ensure maximum protection for each of the natural resources for which we are responsible.

The FY 1991 guidance is consistent with the overall direction outlined in the Office of Water FY 1992-1995 Strategic Plan. It will be several years before environmental results oriented measures are completely integrated into our program. However, several critical changes in emphasis will continue in FY 1991 as we prepare for implementation of the Strategic Plan and the environmental results orientation. The emphasis in both the traditional and newer components of our programs will shift toward more efficient targeting of our resources to ensure maximum environmental results from our program efforts. This philosophy will necessitate a change in how we view Regional, State and Indian Tribe implementation of the program activities and performance expectations laid out in this guidance.

The Operating Guidance provides the whole range of activities necessary to achieve current program goals. In FY 1991, the Regions, States, and Indian Tribes will be given more flexibility, within this range of activities, to target their efforts toward

activities that they believe will result in the greatest achievement of the environmental goals and results outlined in the Office of Water FY 1992-1995 Strategic Plan.

The Regions, States, and Indian Tribes should use this flexibility to identify and implement the most innovative and cost effective technologies and methodologies to improve our overall water resource management. This approach anticipates adjustments, by mutual agreement, to commitments under the Strategic Targeted Activities for Results System (STARS) when the Region, State, or Indian Tribe can describe how such adjustments are expected to improve water quality. Our STARS commitment negotiation process will be structured to accommodate this new flexibility.

Although there is increased flexibility, Regional, State, and Indian Tribe efforts should be directed at both supporting new initiatives as well as maintaining our strong base programs. Although we acknowledge that it will be difficult to balance base program activities with new initiatives, we look to the Regions, States, and Indian Tribes to develop and share innovative approaches which will maintain the effectiveness of these programs in the 1990's.

The following sections briefly describe major action areas that will be addressed in the coming year as we work to attain the environmental goals outlined in the Office of Water FY 1992-1995 Strategic Plan.

Risk Reduction

Although tremendous progress has been made toward achieving the fishable and swimmable goals in the Clean Water Act, there still continue to be risks to human health and ecological systems. Conventional pollutants, except in coastal waters, have largely been controlled (BOD, bacteria, etc.). However, we are just beginning to control toxics from both point and nonpoint sources and are just beginning to focus on protecting critical resources and habitats.

In FY 1991 the challenge will be to improve regulatory and management decisions and reduce risk by using the best combination of the many tools available to us. These include: technology-based standards, chemical specific water quality criteria, State water quality standards, pretreatment standards, permits, enforcement, State grants and construction grants/State Revolving Fund (SRF). We will also encourage the use of nonregulatory tools, including BMPs, financial incentives, and locally developed control measures to reduce risks.

We will target resources into activities that result in greater compliance by small municipalities and small industries which have traditionally had lower compliance rates. More resources and program efforts will be directed at ensuring controls are properly installed, operated, and maintained. This will include joint efforts between the Office of Municipal Pollution Control (OMPC) and the Office of Drinking Water (ODW) in small communities.

Human health and ecological risks will be reduced in FY 1991 by continued efforts to develop methodologies to rank pollutants and sources of pollutants according to risk, targeting resources to areas of highest risk (population densities and/or fragile, valuable aquatic ecosystems and resources), developing strong pollution prevention and reduction incentives for point sources, targeting unregulated direct and indirect point source dischargers for regulation, and strengthening our nonpoint source pollution control program. Enforcement will remain a high priority, especially in the Public Water System Supervision Program.

We will continue to place a high priority on controlling toxic pollutants and conventional pollutants, such as those associated with States' 304(l) lists, agricultural chemicals, and nutrients, which are not yet adequately controlled. In addition, FY 1991 will see OW placing a greater emphasis on preventing physical impacts that result in the destruction of critical aquatic habitats and biological impacts associated with both aquatic life and human health.

Pollution Prevention

In FY 1991 top priority will be given to initiating efforts to incorporate and institutionalize sound pollution prevention practices into both traditional and newer expanding Office of Water programs. The increased emphasis on pollution prevention is a recognition that controlling pollution through traditional technology based solutions and clean up methods is not enough and that our program focus must begin to shift to encompass promoting the sustainability and renewability of our Nation's water resources.

The following hierarchy will be used to integrate pollution prevention activities into our program and to ensure maximum protection of our water resources: natural resource conservation (i.e. destruction of natural habitats is the worst form of pollution), source reduction, recycling and reuse, treatment, and disposal. In FY 1991, using this hierarchy, strong incentives for pollution prevention will be developed such as, improved waste treatment controls, technical transfer tools to encourage municipal planning for future wastewater capacity to prevent future violations, better targeting of enforcement and, as appropriate,

negotiation of pollution prevention requirements in consent agreements. These incentives will discourage illegal use of water as a waste repository. In FY 1991, we will also begin to use this concept as the driving force behind future regulatory decisions by thoroughly integrating the concepts of elimination, source reduction, process change, product substitution, and recycling into the regulatory development process. These concepts will also be emphasized in technology transfer activities with States, local governments, Indian Tribes and the regulated community.

In FY 1991 priority will be given to the following pollution prevention initiatives:

- Compliance maintenance and technology transfer for POTWS
- Integration of industrial process alternatives into the permit issuance and re-issuance system and where appropriate into settlement agreements
- Wellhead protection and Class V UIC controls
- Nonpoint source programs that focus on visible results through watershed management
- Sludge regulations that build a market for safe products

Additionally, in FY 1991 OW will begin to implement an overall pollution prevention strategy, Water Programs: Toward a Prevention Ethic, that was completed in FY 1990. Several pollution prevention initiatives will be started during FY 1991 to help EPA and the States begin the full integration of pollution prevention into their water programs. Some of the areas in where specific projects will be implemented include: sustainable agriculture practices that will prevent pollution from pesticides, integrated permitting, industrial pollution prevention through regulation, Chesapeake Bay Pesticide Index and Registry, environmentally responsible management of agricultural chemicals, and the reduction of lead in drinking water.

Integrated Water Quality Management

Water programs will continue to move toward an integrated management approach so that there is a reduction in duplication of activities between our program offices and an increase in joint efforts to increase our effectiveness at resource protection. This will involve increasing the links between the Clean Water Act (CWA) and Safe Drinking Water Act, improved and increased coordination and cooperation with other program offices affecting water quality such as RCRA, CERCLA, and FIFRA, better coordination of water

supply and wastewater treatment activities on a watershed basis, and recognizing the link between surface water and ground water as we design our program activities. In FY 1991 work will proceed toward ensuring that our program efforts balance regulatory and geographically based, targeted management approaches so that our solutions are correctly tailored to address the environmental issues associated with specific watersheds and/or aquifers. This integration effort must occur at the Federal as well as State and local levels. In FY 1991, the Office of Water will continue to improve cooperation between the various program offices at both Headquarters and the Regions to resolve overlapping water resource management issues. Better communication will be established between the various program offices to ensure greater efficiency, reduce burdens placed on State and local government, and ensure consistency. This integration is being attained through several mechanisms including: interoffice/agency workgroups, cross program demonstration projects, and increased sharing of program data to make program decisions. Examples include the Nonpoint Source Agenda for the Future, the Ground-Water Task Force, Agricultural Chemicals in Ground Water Strategy, informal intra Agency group to survey how various Agency Offices are handling land-use issues and the integrated training efforts for near coastal waters by OWRS, OMEP, OWEP and OWP.

At a State Level, Headquarters and Regions will encourage the use of State Clean Water Strategies and similar risk based approaches to integrate water programs (surface water, ground water and drinking water) to improve risk based decision making for targeted watersheds (including estuaries, coastal waters and wetlands).

Enforcement

In FY 1991, the Water Quality enforcement effort will be strengthened by tightening controls on dischargers, improving monitoring efforts, coordinating outreach to inform the public and regulated community of the consequences of illegal filling of wetlands, and more effective targeting of field activities to better detect and address violations as recommended in the Enforcement Four-Year Strategic Plan: Enhanced Environmental Enforcement for the 90's.

We will increase the targeting of enforcement actions to reduce risk to human health and the environment, particularly for discharges to critical habitat areas. We will significantly expand enforcement actions against industrial dischargers and municipal sewage treatment plants that violate requirements of their pretreatment programs, strictly enforce prohibitions on discharge of certain bioaccumlative pollutants in the pretreatment program and improve State administrative and civil penalty practices.

Several program initiatives are ongoing in the surface water area this fiscal year that emphasize targeted risk reduction. These include the: Municipal Enforcement Strategy, Municipal Water Pollution Prevention Program, Compliance Monitoring and Enforcement Strategy for Toxic Control, Compliance Enforcement Strategy for Sludge, and the Federal Facilities Compliance Strategy.

Effective enforcement will also remain the linchpin of EPA's effort to implement a new comprehensive level of drinking water protection mandated under the SDWA. The ODW Mobilization Program and the Phase V Regulations are two tools that will strengthen the enforcement in the drinking water supply area. In addition, in FY 1991, OW will introduce a redesigned risk-based priority scheme to define Significant Non Compliance (SNC), the most egregious violations with respect to human health risks. Relying on the principals of maximum risk reduction embodying the present SNC definition, the new priority scheme will include the impending regulatory changes, targeting enforcement actions according to a violation's relative seriousness to human health. OW's new priority scheme will characterize a larger universe of violation types, thereby giving Regions and States more flexibility in addressing less urgent violations.

Regions will continue to pursue enforcement as a priority, and in conjunction with the Regional council, will conduct AO hearings and assess penalties for AO noncompliance. In addition, Regions will use their enforcement resources to address "exception" systems as a priority where appropriate continue to emphasize the serious problem of small systems' non-compliance through special initiatives.

In the UIC Program, enforcement will continue to be targeted on Class IV and V injection practices which pose a substantial threat to underground sources of drinking water. Class IV wells that have been reclassified according to the recent Toxic Characteristic Leaching Procedure (TCLP) amendments to the RCRA regulations will be the top enforcement priority in this program.

<u>International Leadership</u>

In FY 1991, OW will continue to increase its involvement in the international arena as an important means of promoting pollution prevention and protecting our common natural resources. This will be achieved to a large extent through international conferences, work shops and symposia.

For example, OW will expand current efforts to share scientific and industrial technology for wastewater treatment as well as information on risk assessment and risk based standards. OW will participate in a series of conferences on the application of

pollution prevention practices in industrial wastewater treatment systems. These conferences will augment continuing efforts to share our industrial technology based guidelines with other nations through organizations such as the World Bank and the Organization for Economic Cooperation and Development.

We will also share information on the beneficial reuse of sewage sludge, including information on ensuring high quality sludge and new technologies for sludge derived products and fertilizer. Information transfer on water conservation practices and measures (domestic, industrial, and agricultural) will also be important.

Further, EPA will seek to expand support for international activities in the areas of wetlands and coastal waters, including continued participation in the London Dumping Convention, MARPOL, the Cartagena Convention and the Antarctic Treaty etc. We will also continue to work in conjunction with the wetlands and coastal protection programs of Canada and Mexico to protect these water resources, particularly where efforts coincide with joint programs involving the Great lakes and the Gulf of Mexico.

OW will also exchange information on nonpoint source programs. This includes marketing emerging watershed management approaches with developing nations, especially how to prevent NPS pollution as development occurs. OW will also share our expertise and leadership in protecting ground-water resources with nations that are struggling with efforts to prevent, limit, and abate contamination of ground water.

Building our Partnerships

EPA's goal to maintain and improve our Nation's water resources cannot be attained without the active participation of all levels of government and community members. This is particularly true where the issues are basically local, such as with the degradation of the Nation's coastlines, estuaries, ground water, wetlands, and drinking water sources. In fact it is to the local, Indian Tribe, and State level that we must look to find creative techniques and initiatives to solve many of our intractable pollution problems. We will accomplish this goal through: improving State and Local Capabilities to fund and operate water programs; taking a leadership role in the Federal government, leveraging the resources and assistance of other Federal Agencies, and building a grass roots/Governmental Alliance.

One of the largest challenges in the coming year will be to investigate ways that EPA can build State, Local and Indian tribe capabilities to assume greater financial and operational responsibility for current water programs and to take on more new

complex responsibilities. The intention is to give the States more responsibility and flexibility in how they run delegated programs so that the Federal government can target its limited resources to address risks associated with emerging or complex national and international issues that transcend national boundaries.

During this fiscal year, water quality programs will promote local cooperative initiatives and provide incentives for developing innovative and alternative technologies. There will also be increased coordination with EPA Regional Offices and State, Local and Indian Tribe authorities in FY 1991 to ensure consistent and fair implementation of EPA regulatory programs and to encourage cooperative working arrangements.

EPA's Water programs will continue to work with Indian Tribes on a government-to-government basis to take all appropriate actions, consistent with available resources, to assist Indian Tribes in improving and maintaining the quality of their water resources. In FY 1991 EPA will place emphasis on reviewing and approving Indian Tribe applications for treatment as States and awarding grants to Indian Tribes. There will also be increased emphasis on outreach efforts to Indian Tribes. In particular, OW program Offices will provide training to help Indian Tribes prepare their application packages for treatment as States as it is anticipated that FY 1991 will be the peak year for these applications.

The water program is also committed to strengthening relations with other Federal Agencies where we share responsibilities, such as wetlands, ground water, coastal management, and nonpoint source controls. Especially important will be efforts for the numerous Federal Agencies involved with water quality management to pool their resources to establish mutually compatible information management systems and to increasingly share responsibility for collecting and analyzing water quality data.

Finally, in FY 1991 the Water program will increase efforts to communicate more effectively with the public about its role in environmental problem solving. An educated public and a solid working relationship with the various public interest groups are essential if our geographically based, targeted programs that rely heavily on grass roots efforts are to succeed.

Frequent communication with the public about how the Agency makes program decisions will continue in FY 1991. Increased dialogue and consensus building will be used to avoid some of the confrontations that have occurred in the past. This effort will include development and dissemination of educational materials as well as the use of the mass-media to promote environmentally-aware choices by the public.

II. ENVIRONMENTAL INDICATORS

The Office of Water is currently shifting its emphasis from measuring performance on the basis of program outputs, e.g., permits, grants, or enforcement actions, to using indicators that lend themselves to measuring success in terms of environmental results. In FY 1991 the Office of Water will continue its efforts to develop and effectively utilize indicators of environmental results in measuring program performance. In putting this new concept into practice, we plan to work closely with a wide group of Federal, State, and local partners whose expertise, advice, and support are needed to ensure the success of these efforts.

The prerequisites for developing environmental indicators are: (1) establishing goals in terms of the environmental results expected; and (2) developing a clear picture of the baseline for water quality data from which to measure progress in each program area. While the strategic planning process will identify the long term strategic goals, FY 1991 is a time frame in which we expect to work intensively on establishing our baselines from which to measure progress and on developing the individual performance indicators that we believe will enable us to measure program success in terms of environmental results.

III. ENVIRONMENTAL PRIORITIES

A. PROTECTING OUR SOURCES OF DRINKING WATER - ACTIVITIES

1. Public Water System Supervision Program

There are four major priorities in the Public Water System Supervision (PWSS) program for FY 1991. The first is the continued development of new National Primary Drinking Water Regulations. Specifically during FY 1991 we plan to propose the radionuclide regulation, review comments to the phase V regulations, publish the phase II and lead regulations, and develop a proposal for disinfectants/disinfection by products regulation. The second priority is to aid States in developing comparable State regulations, and in developing and implementing companion programs to carry out those regulations. The third priority is to promote, through a variety of mechanisms, compliance with all of the PWSS regulations. The last priority is to fully implement our Mobilization Strategy which will assist the States and EPA in implementing our respective programs and in achieving compliance among public water systems to the maximum extent possible. These priorities: regulation development, implementation, compliance and enforcement, and mobilization will be the Office of Drinking Water's key directions (as outlined in the Agency's Four Year Strategy) for the next several years as we seek to achieve our primary 1995 objective of reducing the number of people exposed to contaminants in drinking water.

Headquarters

- o Headquarters will continue to direct the national implementation of the six mobilization initiatives started in FY 1989.

+ o Headquarters will continue public education by completing generic slide shows, pamphlets and other outreach materials participating in the National Drinking Water Week Coalition (with other organizations); and conducting expanded media briefings on SDWA implementation.

+ o Headquarters will continue to build State capacity by working with Regions and State governments to complete State-specific strategies and involving various organizations in building support for innovative funding or related options.

+ o Headquarters in collaboration with Regions and States will continue the initiative to gain local Health Officials support of SDWA provisions by continuing development of materials for local health officials in

collaboration with public and private organizations, and developing coalitions with other Federal agencies and organizations.

+ o Headquarters will continue institutional support efforts to assist small systems and the State programs which regulate them through such initiatives as the mobile home parks cooperative pilot project.

o Headquarters will continue the coalition with Federal, industrial, and educational groups to inform the non-transient water system community of its obligations under the SDWA Amendments.

o Headquarters will continue the Technology Initiative by promoting the development and adoption of simple low cost treatment technologies for small systems to implement the SDWA, helping to reduce the barriers to innovative technological solutions, and continuing outreach activities on future laboratory capacity and certification requirements.

+ o Headquarters will continue the regulatory development process as mandated by the SDWA Amendments of 1986 and will substantially complete the "normalization" (or synchronization) of monitoring and requirements.

o Headquarters will concur on selected State primacy revision applications.

N o Headquarters, in cooperation with Regions will review selected States' variance and exemption procedures for conformance with SDWA requirements.

+ o Headquarters will prepare guidance for States and Regions on collecting information for conducting vulnerability assessments and will distribute the guidebook for site specific compliance determinations.

N o Headquarters will initiate use of the new definition of significant noncomplier (SNC) and revise it as necessary to reflect new regulatory requirements such as lead and copper.

N o Headquarters will oversee implementation of the National Escalation Policy developed in FY 1990 and will participate as needed in reviewing State and EPA enforcement agreements and State compliance strategies to ensure they are consistent with the escalation policy.

N o Headquarters will provide oversight and quarterly reports to the Regions on formal enforcement activity of States and Regional offices.

N o Headquarters, will overview Regional activities for data verifications and where needed will conduct data verifications in a small number of State programs.

o Headquarters will continue to emphasize the upgrading of laboratory certification programs for new contaminants and expand the scope and regulatory approach to establish a more nationally uniform program.

o Headquarters will continue to encourage reciprocity among States in laboratory certification and use of third party certification of drinking water laboratories.

o Headquarters will, in accordance with the Lead Contamination Control Act, disseminate guidance to help schools test for, find sources of, and remediate lead contamination of water supplies in school buildings. Accompanying this guidance will be an updated list of water coolers known to contain lead. Headquarters will provide technical advice to the Regions regarding the use of the guidance.

N o ODW will establish education centers for assisting small public water systems with training on corrosion control treatment and testing, and remediating, lead contamination in drinking water.

N o ODW will release the draft final National Pesticides Survey Report.

o The Office of Drinking Water and the Office of Municipal Pollution Control will continue to work together to effectively and efficiently carry out information transfer and technical assistance activities of each program, especially for small systems.

o ORD will provide reports on clinical, epidemiology, and toxicity studies and human health assessments on disinfectants and disinfection by-products and drinking water contaminants to support the ODW need to develop quantitative risk assessments for drinking water regulations.

Regions/States/Indian Tribes

+ o Regions will actively participate in the national mobilization task force. Regional outreach, technical assistance, training, and technical information transfer activities will focus on areas identified by the national task force, based on the individual initiative action plans. Regions will develop strategies to support the initiative action plans. Outreach activities by the Regions and States will be supported by the national task force, and be targeted toward the State and local counterparts of those national groups involved with the national mobilization task force activities.

+ o Regions will work with States to encourage and facilitate State participation in the national mobilization task force and State actions in support of the Regional strategies and initiative action plans.

N o Regions will carefully manage and track implementation of the Regional mobilization incentive grants to insure funds are well spent.

N o Regions will oversee and manage PWSS Program grants to States and Indian Tribes with primacy.

o Regions will work with States to continue revision of current primacy programs to adopt new Federal regulations related to VOCs, public notification, the surface water treatment rule, total coliforms, lead and other regulations to implement the Safe Drinking Water Act Amendments of 1986.

o Regions, States and Indian Tribes with primacy will continue to evaluate those PWSs that use surface water to determine whether treatment is necessary, and whether there are treatment deficiencies. Regions, States and Indian Tribes with primacy should also be identifying ground water systems under the direct influence of surface waters.

+ o Regions, States and Indian Tribes with primacy are to respond to violations of the NPDWRs and escalate to formal enforcement quickly all continuing violations that remain unresolved.

+ o Regions, States, and Indian Tribes with primacy should ensure that they develop and implement compliance strategies and enforcement agreements that are consistent with federal agreement guidance and escalation guidances.

- Regions should use § 1431 emergency authority to correct public and private water supply contamination incidents unaddressed by the States.

- States are to report quarterly, the number of enforcement actions issued during the previous quarter. The actions are to include bilateral compliance agreements; administrative orders (AOs); civil cases referred, filed and concluded; and criminal cases filed and concluded.

- Regions are to report quarterly on a State by State basis, the number of the following actions issued: NOVs, Proposed AOs, Final AOs, Complaints for Penalty, Civil referrals, criminal cases filed, and §1431 Emergency Orders, and the amount of each administrative penalty assessed and collected. [STARS]

- Regions, States and Indian Tribes with primacy are to negotiate annual targets for the reduction of SNCs and exceptions (as defined in the STARS measures). The national goal is to eliminate all SNCs and exceptions. If this is not possible in each State, Regions and States are to negotiate a target to reduce SNCs and exceptions that is based on compliance statistics and State and Regional capabilities for violation reduction. States are to provide quarterly status reports, using the FRDS 41 Report Format, on the status of all SNCs and Exceptions. [STARS].

- Regions are to utilize available resources based on the FY 1991 PWSS enforcement workload model to take formal enforcement actions against SNCs, exceptions, or other significant violations not addressed by the State.

- Regions, States and Indian Tribes with primacy should track SNCs/exceptions to ensure those previously addressed achieve physical compliance. All SNC/exception systems which fail by more than 60 days to meet the conditions of any compliance schedule and all SNCs/exceptions addressed by a referral to the State Attorney General (AG) which have not been filed within 120 days of the referral are to be reported quarterly as exceptions. As new exceptions, they are subject to immediate federal formal enforcement action.

- Regions will conduct compliance reviews with States and Indian Tribes with primacy at least quarterly. Each quarter's review will include as a minimum: establishing plans to resolve all priority violators (including SNCs

and exceptions), identifying State and if necessary federal enforcement candidates, reviewing ongoing State data quality assurance reviews, and reviewing progress during the previous quarter for these same activities.

+ o Regions, States and Indian Tribes with primacy should ensure that all noncomplying systems are at risk of an enforcement action. Noncomplying systems which do not meet the SNC definition should be strategically targeted for formal enforcement. Regions, States and Indian Tribes with primacy should agree to enforcement actions against some number of non-SNCs.

o Regions will continue to review State and primacy Indian Tribe programs for implementation of lead ban provisions in accordance with the lead 5% guidance.

+ o Regions will ensure that States enforce the lead ban and will withhold grant funds as necessary in States which fail to effectively enforce the ban.

+ o Regions should ensure that States and Indian Tribes with primacy report quarterly violation and enforcement information, for entry into FRDS, for all public water systems (CWSs, NTNCWSs, and TNCWSs).

+ o Regions will conduct data verifications of State and Indian Land compliance reports, and will follow up on implementation of findings of previous reports. Regions will ensure all States develop and implement ongoing internal procedures to verify FRDS data quality.

N o Regions will review State actions to ensure compliance by all Federal facilities and initiate proper Federal actions (using the A106 process) and will address cases of violation not addressed by States.

o Regions and States are to review semi-annual updates of Federal Agency Pollution Abatement Five-Year Plans (OMB Circular A-106).

o Regions will distribute guidance and updated lists of water coolers containing lead to States and primacy Indian Tribes for distribution to schools in accordance with the Lead Contamination Control Act.

o Regions will coordinate and support the development of State programs to encourage local testing of taps in schools and other buildings. Regions will also provide technical support to States and Indian Tribes regarding

use of the list and guidance to identify and remedy elevated lead levels in schools and other buildings.

- o Regions will continue to coordinate information dissemination of the Pesticides Survey.

- o Regions will act expeditiously on Indian Tribe applications for treatment as States for development grants and for primary enforcement responsibility.

- o Regions will continue to support Superfund activities on site-specific actions, reviews of remedial and feasibility studies, and application of drinking water MCLs.

2. Ground Water Protection

Preventing the contamination of ground water is a major EPA priority. A review of the Federal/State role in the protection of the nation's ground-water resources has been undertaken and a significant result of this review is the consensus that EPA should take steps to strengthen States/Indian tribes capability to provide comprehensive protection of the resource. Building on the five years of support of State ground-water protection strategies and the findings of The Urban Institute's study on that subject, efforts are underway to further support States' development of comprehensive ground-water protection programs. (Note: The EPA Ground-Water Task Force has not completed its work; consequently, this draft reflects the best estimate of results which require neither legislative nor significant budgetary changes.)

This operating guidance supports the Office of Water Strategic Plan by implementing activities included in the Key Directions for ground-water protection. As called for in the Strategic Plan, the 1991 guidance emphasizes assistance to states in their development and implementation of comprehensive ground-water protection programs. The operating guidance also directs the support of state wellhead protection programs and the analysis of unregulated ground-water contaminants in major economic sectors. Both of these activities figure prominently in the Strategic Plan. Other operating guidance activities which support the Strategic Plan include testing and refining of additional indicators of ground water quality and assuring a uniform approach to ground-water data collection through use of the minimum data element set.

Headquarters

N o Headquarters and Regions will assist States in developing and implementing comprehensive ground-water protection programs which include resource-based preventive activities, such as wellhead protection, and which provides a basis for addressing multiple sources of potential ground-water contamination.

+ o Headquarters and Regions will continue to work with other EPA programs and Federal agencies to ensure consistency in Federal ground-water policies, regulations, and guidance. This integrated framework for ground-water protection will further State efforts in comprehensive ground-water programs. Particular emphasis will be placed on surface water - ground water interface, such as wetlands, estuaries, and source control programs, such as nonpoint source, hazardous waste, UIC and UST.

+ o Headquarters and Regions will work with The Office of Pesticides Programs, USDA and State agricultural agencies to promote ground-water protection policies and approaches.

o Headquarters and Regions will continue to promote and assist all States in establishing and implementing the Wellhead Protection (WHP) program as a targeted activity to protect high risk areas.

N o Headquarters and Regions will work with EPA programs and other Federal agencies, such as the USGS Cooperative Program, to assist States in identifying their ground-water resources and developing a prioritization scheme.

+ o Headquarters and Regions will promote integration of State pesticide management plans and State comprehensive ground-water protection programs.

o Headquarters will continue to develop and issue technical assistance documents on prevention of ground-water contamination, with special emphasis on wellhead protection areas.

+ o Headquarters will support competitive demonstrative projects which test and refine innovative methods of implementing local WHP programs.

o Headquarters will develop guidance for ground-water grants, as provided under Section 106 of the CWA, that assure each State/Indian tribe establish the key elements of a comprehensive ground-water protection program.

N o Headquarters will analyze major economic sectors, including agriculture, transportation, industry and municipal infrastructure, in order to identify and assess high risk sources of contamination that are not currently regulated.

N o Headquarters will support the development and testing of best practices tailored to local hydrogeological settings, which prevent contamination of ground-water resources from those unregulated sources in each sector found to be of greatest concern.

N o Headquarters will test, refine and seek additional environmental indicators of ground-water protection.

N o Headquarters, with OIRM, will establish acquisition systems for data commonly needed by the Regions and States and available from outside sources, such as USGS and SCS.

N o Headquarters will update a directory of information systems so as to provide a catalog of data bases related to ground-water protection issues, such as land-use planning, population statistics, soil and agriculture use.

+ o Headquarters will disseminate information and promote exchange among the States on innovative practices and programs in ground-water protection through the use of videos, pamphlets, workshops, and conferences.

o Headquarters will continue to work with ORD to develop research efforts focused on high risk areas, such as wellhead protection areas, and Karst and hyporeic zones.

- o Headquarters will continue to participate in the Sole Source Aquifer (SSA) designation process through oversight, analyses, and, if necessary, petition review.

<u>Regions</u>

N o Regions will conduct profiles of State ground-water protection strategies and implementation activities employing an agreed-upon set of elements for a comprehensive State ground-water protection program.

N o Regions will implement a formal EPA/State planning process that will assist States in developing and implementing activities to transform their ground-water protection strategies into comprehensive ground-water protection programs.

o Regions will continue to promote and assist all States in establishing and implementing the Wellhead Protection program as a targeted activity to protect high risk areas.

- o Regions will assure coordination with section 319 funded NPS plans, programs and activities at both the State and Regional levels.

+ o Regions will provide training and assistance to States in such technical ground-water concerns as aquifer system mapping, resource and vulnerability assessment and monitoring.

+ o Regions will foster efforts that build State institutional capacity, such as enhancing coordination of State management and control activities with local governments, to ensure effective implementation of comprehensive ground-water protection programs.

o Regions will participate in review of State pesticides management plans to protect ground water with particular emphasis on assuring coordination with State comprehensive ground-water protection programs.

o Regions will conduct technical workshops on ground-water resource evaluation in agricultural settings.

o Regions will continue to provide ongoing consultation and technical assistance to States/Indian tribes in the implementation of their WHP programs.

N o Regions will train State and local officials in delineation of wellhead protection areas using a user-friendly model, and in advanced approaches for actual/potential contaminant source identification and risk comparisons.

N o Regions will manage and administer wellhead protection demonstration projects.

- o Regions will continue to provide financial and technical oversight aspects for State projects which support comprehensive programs, funded under section 106 of CWA. Oversight will also cover special ground-water protection projects funded under section 319.

N o Regions will provide information and technical expertise to the States on best practices for preventing ground-water contamination from currently unregulated sources in the major economic sectors. Special emphasis will be directed to those sources frequently located in wellhead protection areas.

N o Regions will oversee projects to test and develop best practices for protecting ground-water from unaddressed sources of contamination within each of the major economic sectors.

N o Regions will undertake communications efforts seeking acceptance of practices to better protect ground water by institutions within each of the major economic sectors.

+ o Regions will assist States and other Regional programs in using the minimum data element set to ensure a uniform approach to data collection activities.

- o Regions will promote the use of geographic information systems as an effective priority setting and decision-making tool for Regional/State/local managers of ground-water programs.

- o Regions will review petitions for SSA designations for formal acceptance and provide the technical expertise necessary to review these petitions.

- o Regions will review environmental impact statements and environmental assessments for Federal financially assisted projects in SSA areas.

3. Underground Injection Control

Relationship to the Office of Water Strategic Plan - The Agency's four-year Strategic plan identifies management of Class IV and V wells as the major undertaking of the UIC program with the ultimate goal of eliminating identified Class IV and known endangering Class V wells by 1995. To this effect, in FY 1991, the program will propose comprehensive regulations for Class V wells and continue the identification and closure of Class IV wells. Public outreach

and community involvement will be major components of the Class V effort. Other goals identified in the four-year plan include improvement of regulations and/or guidance for Class II, implementation and enforcement of the land ban, and ensuring continued compliance for all wells. To accomplish these goals in FY 1991, the program will continue its strong emphasis on adequate enforcement through permitting, civil and criminal litigation, and increased consistency in handling SNCs and increased issuance of AOs. We will propose amended regulations for Class II wells. Finally, we will continue to support Regional implementation efforts of the land ban.

Headquarters

+ O Headquarters will ensure there is a national program consistency among Regions, States and Indian Tribes with primacy; timely and appropriate handling of and response to SNCs by providing guidance, training and increased emphasis on EPA oversight.

+ O Headquarters will, as appropriate, issue additional guidance or propose revisions to existing UIC regulations for Class II wells based on the FY 1989 and 1990 Mid-course evaluation results.

+ O Headquarters will continue to provide technical support to Regions and States in the review of Class I no-migration petitions to assure national consistency.

+ O Headquarters will continue to support Regions, States and Indian Tribes with primacy by providing technical assistance to local governments on issues pertaining to Class V wells.

O Headquarters will continue to work with the National Mechanical Integrity Test (MIT) Workgroup to review alternative methods for demonstrating mechanical integrity of wells for which no current method is yet acceptable. Final determination will be made on interim approvals made in previous years.

O Headquarters will continue to improve coordination between the UIC program and other EPA, Federal, State and Indian Tribe agencies dealing with ground water (CERCLA, RCRA, CWA, TSCA, FIFRA).

O Headquarters will continue the data management project to implement appropriate data elements, definitions and environmental measures for Class II wells through the use of a State/Regional/Headquarters workgroup.

N O EPA will give priority to integrated cross-program Pollution Prevention initiatives.

N O EPA will track the coverage for financial responsibility mechanisms for plugging wells to ensure funds are available for proper well closure.

Regions/States/Indian Tribes

O Regions will oversee States and Indian Tribes with primacy by conducting at least one intensive review of each program each fiscal year, negotiating enforcement agreements, and taking formal enforcement actions where States or Indian Tribes have not or cannot respond to significant violations in a timely and appropriate manner.

+ O Regions, States and Indian Tribes with primacy should respond to all violations and must escalate actions in accordance with national guidance on timely and appropriate enforcement actions for all SNCs. Regions will primarily employ Administrative Orders (AO) to deal with SNC especially where less formal measures do not result in timely compliance. [STARS]

+ O Regions, States and Indian Tribes with primacy will continue to close Class IV wells as they are discovered. The Toxic Characteristics Leaching Procedure Test will result in many Class V wells becoming Class IV wells. All suspected Class IV wells will be investigated promptly and all necessary steps taken to ensure proper plugging and abandonment of Class IV wells. Where it appears that injection has been knowingly continued after prohibition, the matter should be referred to the Office of Criminal Investigation for evaluation or State's equivalent office.

O Regions, States and Indian Tribes with primacy will maintain a strong field presence by conducting field inspections and surveillance in accordance with the priorities established in the UIC Compliance Strategy. This will occur on a continuing basis throughout the year.

O Regions, States and Indian Tribes with primacy will continue to review and make permit determinations for injection wells. There will be a continued emphasis on permitting new Class II wells, so that oil production will not be impeded. Additionally, UIC programs should

place increased priority on permitting Class V wells and bringing high risk Class V wells under regulatory control especially where they threaten to contaminate USDWs.

- O Regions will review petitions for exempting Class I-H wells and ensure compliance with HSWA land ban provisions. States may assist the Regions in the review process.

- O Regions will ensure through all Regional, State and Indian Tribe primacy program grant workplans and agreements and Enforcement Agreements that State and Indian Tribes carry out quantifiable Class V activities, such as inventories, inspections, permitting and enforcement actions as well as monitor compliance and enforcement activities for Class V wells.

N O Regions will continue to manage the financial support and oversight aspects for State UIPC grants for UIC programs and related special projects.

+ O Regions, States, and Indian Tribes will continue to take enforcement actions against high priority Class V wells as required by UIC guidance #62.

- O Regions will expeditiously review and process Indian Tribe applications for treatment as State designation, for development grants, and for primary enforcement responsibility.

- O Regions, States, and Indian Tribes with primacy will review primacy program agreement and MOAs to ensure they are up to date in light of the changing State and Indian Tribe laws and implementation processes as well as new national regulations.

- O Regions, States and Indian Tribes with primacy will continue to monitor and review the mechanical integrity of injection wells to determine compliance with UIC regulations. [STARS]

- O Regions will continue to provide program-specific training to both new and experienced inspectors.

- O Ada ORD will continue field evaluations of techniques for determining the mechanical integrity and adequacy of the construction of injection wells.

- Regions will continue to initiate MOAs/MOUs with Regional Ground Water Offices and keep them apprised of all coordination activities involving groundwater related programs particularly Class V and Wellhead Protection.

B. PROTECTING CRITICAL HABITATS - ACTIVITIES

1. Ocean Disposal Site Permitting and Discharge

In FY 1991, the Headquarters and Regional focus will be on proposal of the revised ocean dumping regulation on disposal site designation and dredged material disposal, and development of a proposal for regulations on disposal of all other material. Regions will continue their expanded role in preparation of environmental impact statements (EISs), disposal site designations for dredged materials, and in management and monitoring of disposal sites. Implementation of the ocean discharge program under CWA Section 301(h) will continue, and the CWA Section 403(c) program will concentrate on implementation of the strategy from the report to Congress. In FY 1991, Headquarters and Region II will continue implementation of the Ocean Dumping Ban Act (ODBA) and other legislation. These activities will be coordinated to achieve the objectives of the National Coastal and Marine Policy.
The priority activities identified in this section of the guidance follow the key directions being established in the Office of Water (OW) Strategic Plan. Through the elimination of pollutant loads being discharged or dumped in coastal and marine waters, risks to human health, including recreation and other direct water contact, and aquatic life, including shellfish growing areas, will be reduced. In particular, the elimination of ocean dumping of sewage sludge and industrial waste, and management of other ocean disposal site will support achievement of 1995 risk reduction objectives. Key directions include the implementation of 403(c) discharge criteria, the careful review of 301(h) permits through the permit reissuance process, improved management of dredged material disposal, and compliance monitoring of the enforcement agreements with the nine New York-New Jersey municipalities. Improvement of the working relationships with the Corps of Engineers (COE) continues through the development, adoption, and implementation of memoranda of agreement on dredged material disposal sites and site management.

Headquarters

+ o HQs will continue to develop comprehensive revisions to ocean dumping regulations and implementing guidance, including the revised testing manual and management strategy to address contaminated sediments; support the Regions through increased training and technical assistance; propose dredged material regulation (1st

Quarter), and promulgate regulation on corrections and reorganization of site designations. (4th Quarter) (Ongoing)

N o HQs will continue implementation of marine debris program through increased interagency coordination, including exchange of information that may indicate potential violations; public awareness campaigns, including reporting of illegal disposal and other activities that may lead to enforcement actions; conduct of harbor studies (2nd Quarter); initiating discussions with State/local authorities on regional marine debris control pacts; and promulgation of regulations to implement the Shoreline Protection Act (2nd Quarter). (Ongoing)

o HQs will continue to provide overview, guidance, and contract assistance to Regions on EISs, site designation decisions, site management, site monitoring, and disposal permit issuance, including a Guidance Document (1st Quarter), a Permit Review Manual (2nd Quarter), and joint workshops with COE (2nd Quarter). (Ongoing)

N o HQs will initiate implementation of national enforcement strategy and action plan, including training materials, enforcement training program, and initiation of "beach keeper" projects; and will continue enforcement related activities with Office of Research and Development (ORD) and U.S. Coast Guard (USCG), and support and oversight of Regional enforcement activities. (Ongoing)

o HQs will prepare and submit annual report to Congress on administration of ocean dumping program. (2nd Quarter)

o HQs will support Region II in preparation of the final New York Bight Restoration Plan and report to Congress; and in the designation of the new mud dump site. (1st Quarter)

o HQs, in cooperation with Region II and National Oceans and Atmospheric Administration (NOAA), will implement the 106 mile-site monitoring plan and prepare a report to Congress; will assist Region II in preparation and submittal of report to Congress on ending ocean dumping; and will continue to support and oversee Region II in the implementation of ODBA legislation. (1st Quarter)

o HQs will promulgate revised 301(h) regulation; continue guiding implementation of 301(h) monitoring programs; and provide final guidance to assist Regions in permit reissuance. (2nd Quarter)

+ o HQs will continue to support implementation of 403(c) program strategy from the 1990 report to Congress with guidance for evaluation reviews. (4th Quarter)

Regions

+ o Regions will accelerate preparation of EISs for ocean disposal of dredged material and preparation of site designation rule-making packages; and continue to review COE permits and conduct of monitoring reviews for site management with COE support through EPA Region-COE District agreements. (Ongoing) [STARS]

o Regions will review ocean disposal permit applications, require case-by-case testing to evaluate wastes, conduct appropriate hearings, develop outreach programs, increase site management activities, require mitigation measures as necessary, require compliance monitoring, and provide technical support for enforcement actions by appropriate office. (Ongoing)

+ o Regions will work closely with the USCG to develop information sources on MPRSA violations; refer to the Office of Criminal Investigations matters involving knowing violations of MPRSA, including any suspected dumping of toxic or hazardous materials without a permit; and will provide technical support for criminal investigations and prosecutions in the ocean dumping area. (Ongoing)

+ o Region II, with HQ assistance, will continue to implement ODBA legislation; will prepare and submit first annual report to Congress on progress made to end ocean dumping of sewage sludge and industrial waste; and will prepare the final New York Bight Restoration Plan and report to Congress. (1st Quarter)

+ o Region II, with HQ assistance, will monitor permits issued in FY 1989 for ocean dumping of sewage sludge and industrial wastes for compliance with milestones in compliance or enforcement agreements and with permit terms; and take enforcement actions, as appropriate. (Ongoing)

+ o Region II, with HQ support, will complete in draft the New York Mud Dump alternative site study; and will prepare and submit report to appropriate Congressional committees. (1st Quarter)

- o Regions, with completion of all initial 301(h) final waiver determination, will continue to make determinations of secondary equivalency; to evaluate monitoring programs; and begin evaluations of permits expiring in 1992. (Ongoing)

+ o Regions, with HQ technical guidance assistance, will continue to implement 403(c) program strategy from 1989 report to Congress and begin to implement 403(c) regulation. (Ongoing)

- o ORD will continue to develop methods for describing transport, transformation, bioavailability, and effects of contaminants discharged through ocean outfalls and sediment bioassay; and will provide technical assistance in support of the 301(h) and 403(c) programs. (Ongoing)

2. Near Coastal Waters (NCW) / National Estuary Programs

In FY 1991, the NCW program priorities will be: to assist coastal Regions and states in implementing NCW management strategies; to support and oversee the selection and conduct of demonstration projects, as an expansion of the earlier NCW pilot projects and the NEP action plans; to promote the integration of water pollution abatement and control programs within the NCW program; and to support the completion of the NCW Regional problem assessments in coordination with the Regions, states, NOAA, and USGS. The NCW program will use enforcement as a tool to correct identified problems and to deter future violations, as appropriate; transfer innovative management and public education and participation techniques; maintain and update a national information exchange network to transfer information about NCW problems, management tools and techniques to assist state and local decision-making; and support the Gulf of Mexico Program and development of the "Framework for Action".

The goal of NEP, as a national demonstration program, is to create and transfer technical, management, and community relations experience and expertise gained to states and local governments so they can be applied to other estuaries nation-wide.

All program activities will be targeted and coordinated to address the goals and objectives of the National Coastal and Marine Policy.

The priority activities identified in this section of the guidance follow the key directions being established in the OW Strategic Plan. Through the elimination of pollutant loads being discharged or dumped in coastal and marine waters, risks to human health and aquatic life will be reduced. In particular, the Regional

development of NCW strategies and NEP estuary plans will support achievement of 1995 risk reduction objectives. Key directions include the implementation of the NEP Comprehensive Conservation and Management Plans (CCMP) for selected estuaries, the conduct of NCW demonstration pilot projects, and public outreach and participation. A major hurdle being overcome is the improvement of public acceptance through outreach programs.

Headquarters

+ o HQs will provide assistance to all coastal Regions, Region V, and the coastal and Great Lakes states to complete and implement NCW management strategies, which will include public education and participation. (Ongoing)

+ o HQs, through the OW NCW workgroup, will support enhancement, redirection, and targeting of OW base programs to address water quality problems in geographically specific areas identified in the Regional NCW management strategies; and will oversee Regional/state use of enforcement in estuary and near coastal programs. (Ongoing)

+ o HQs will maintain and update an information network for technology transfer about NCW problems, management tools and techniques, with the principal objective to assist state and local environmental resource managers with information about successful projects nationwide and to report on near coastal water pilot projects and priority action demonstration projects funded through the NEP. (Ongoing)

+ o HQs will support sixteen NEP projects, managed by the coastal Regions, following selection of new NEP projects in FY 1990: including the development and implementation of state/EPA Conference Agreements leading to a CCMP for each estuary; and also including support for CCMP implementation for projects which have completed the plan development phase. (Ongoing)

o HQs will develop NEP guidance and hold workshops, as needed, to assist participants in getting organized, in problem definition and characterization, in building public outreach programs, and in successful development of CCMPs. (Ongoing)

- o HQs will oversee federal interagency coordination, work with the Office of Federal Activities (OFA) to assure Federal project consistency, implement inter-agency agreements with NOAA involving data management, problem assessment, coastal zone management (CZM) activities, and implement the CZM-EPA/NEP Agreement. (Ongoing)

- o HQs will continue an interagency agreement with the National Oceanic and Atmospheric Administration (NOAA) supporting near coastal waters problem assessments; and with NOAA assistance, prepare a report on NEP research needs for Congress. (Ongoing)

- o HQs will continue to work with the Office of Ground Water Protection (OGWP) to better define ground water issues and to improve the interchange of information between the two program offices on the NCW Regional strategies, the NEP projects, and local coastal and marine programs activities. (Ongoing)

- o HQs will work with ORD to develop research priorities for near coastal and estuarine waters coordinating with: NOAA, including the NOAA Estuarine Research Reserve System; and scientific and technical advisory committees in the NEP. (Ongoing)

<u>Regions/States</u>

+ o Regions will assist program participants in carrying out state/EPA Conference Agreements for the Regions' sixteen estuary projects; and, with HQs assistance, will continue to develop/fund agreements with NEP participants consistent with approved annual and five-year workplans and track the completion of all workplan elements required in developing CCMPs. (Ongoing) [STARS]

- o Regions will work with the States participating in NEP estuary programs and NCW Regional strategies to ensure that enforcement activities are used to enhance and support water pollution abatement and control activities in coastal waters, improve water quality, as well as to support long term implementation of CCMPs. (Ongoing)

N o Region III will implement the "Mid-Atlantic Bight Initiative." (Ongoing)

- o Regions will work with states and local governments to develop and carry out near coastal water pilot projects to enhance water pollution abatement and control

activities, public outreach, land and water use management, and living resources. (Ongoing)

- o Regions IV and VI will continue to develop and implement the "Framework for Action" for the Gulf of Mexico, including the development of risk assessments. (Ongoing)

- o ORD will continue to develop assessment methods for near coastal and estuarine waters, with emphasis given to: relationships and mechanisms controlling ecosystem recovery, development of biomarker assessment methods, assessment of eutrophication, and development of wasteload allocation models, and to provide technical assistance to NEP. (Ongoing)

3. Chesapeake Bay Program

In FY 1991, focus will continue on implementation of 1987 Bay Agreement and meeting specific program commitments, including nonpoint source control programs through state grants, and assessment of toxics problems, including the impacts of pesticides. These activities will be coordinated to achieve the objectives of the National Coastal and Marine Policy.

The priority activities identified in this section of the guidance follow the key directions being established in the OW Strategic Plan. Through the reduction of pollutant loads to Chesapeake Bay waters, risks to human health and aquatic life will be reduced. In particular, the implementation of the toxics reduction strategy will support achievement of 1995 risk reduction objectives. Key directions include the implementation of the Bay agreement and Bay states' nutrient control programs, and public outreach and participation. A major hurdle relating to the need for a scientific bases for management programs is being addressed is the development of a modeling base for the design of pollution control programs.

Headquarters

- o HQs will continue its oversight of the Chesapeake Bay program to ensure consistency with national policies. (Ongoing)

Regions/States

+ o Region III and Bay states will focus activities and track progress to meet nutrient/toxics reductions and program commitments called for in 1987 Bay agreement; and will guide and coordinate toxic source reduction plans to implement 1987 Bay agreement and CWA, based on

investigations of in-place toxics in sediment, surface microlayer, and other nonpoint sources in response to 1988 Toxics Reduction Strategy. (Ongoing) [STARS]

- Region III will continue working to integrate Bay program activities into ongoing water management programs and continue to support public awareness activities throughout the Bay basin. (Ongoing)

- Region III and Bay states will target facility inspections and enforcement actions on dischargers to the Bay mainstem and key tributaries. (Ongoing)

- Region III will continue to implement coordinated Federal Agency Workplan and Federal Facilities Strategy adopted in 1988. (Ongoing)

- Bay states will report progress to Region III on implementing Bay interstate management plan; and Region III, in coordination with HQ, will prepare report to Congress as required by CWA. (Ongoing)

4. Great Lakes

In FY 1991, focus of the Great Lakes National Program Office (GLNPO) will continue on coordinated implementation of revised Great Lakes Water Quality Agreement (GLWQA) and on meeting CWA requirements. The revised GLNPO Five Year Strategy (1989-1993) will continue as guide for GL basin activities, including public participation and outreach efforts.

The priority activities identified in this section of the guidance follow the key directions being established in the OW Strategic Plan. Through the reduction of pollutant loads to the Great Lakes waters, risks to human health and aquatic life will be reduced. In particular, the implementation of the Remedial Action Plans (RAP) and Lakewide Management Plans (LAMP) will support achievement of 1995 risk reduction objectives. Key directions include the implementation of GLWQA, and public outreach and participation. A major hurdle relating to the scientific bases for management programs is being addressed through the Assessment and Remediation of Contaminated Sediments (ARCS) demonstration projects.

Headquarters (GLNPO)

- GLNPO will continue to lead in the national coordination for implementation of revised GLWQA and for meeting CWA requirements. (Ongoing) [STARS]

- o GLNPO will continue its oversight of the GL Regions to ensure consistency with GL national program policies. (Ongoing)

+ o GLNPO, while overseeing input from Regions/GL states, will sponsor full-scale demonstrations at selected locations for ARCS program; and begin technology transfer based on ARCS demonstration results. (Ongoing)

- o GLNPO will complete refitting MARSEA 14 (1st Quarter) and outfit for toxic monitoring (4th Quarter) and continue lake surveys in open waters of the GLs. (Ongoing)

N o GLNPO will continue to work with Regions/GL States on the GL Water Quality Standards Initiative to develop guidance on water quality criteria, antidegradation policy, and implementation procedures specifically designed for the Great Lakes. (Ongoing)

- o GLNPO will continue to oversee work done by Regions II, III, and V to ensure GLs are identified as program priorities and GL activities and reporting requirements are integrated into water management programs and plans. (Ongoing)

- o GLNPO will continue to work with the Office of Water Regulations and Standards and GL Governors and oversee work done by the GL Regions to integrate the specific GLWQA Annex 1 objectives into national criteria and state water quality standards to assure coverage of Critical Pollutants. (Ongoing)

- o GLNPO will work with NOAA to prepare an annual joint GL research plan which identifies proposed research and assesses priorities, as required under CWA. (4th Quarter)

- o GLNPO, with GL Regions, Office of Wetland Protection (OWP), other Federal agencies, and GL states support, will develop GL Basin Wetland Protection Strategy. (Ongoing)

- o GLNPO, with assistance from the Regions and the GL states, will coordinate and implement joint surveillance and monitoring plans for nutrient and toxic pollutants in air, water, fish, and sediments with Canada, ensuring that the resulting data systems are compatible. (Ongoing)

- o GLNPO, with assistance of Regions/GL states, will continue development of guidance for LAMPs for each Great Lake, based on generic LAMP framework developed in FY 1990. (Ongoing)

- o GLNPO, with assistance from the COE, Fish and Wildlife Services (FWS), Soil Conservation Service (SCS), Regions, and GL states, will prepare a comprehensive annual report to Congress, identifying activities to improve the GLs, as required under CWA. (Ongoing)

- o GLNPO, with Regions, GL states, and indian tribes will complete or update monitoring strategies, and Regions will include fish health monitoring programs; GL states will report monitoring results and maintain data using CWA Section 305(b) reports or other reports; GLNPO and Regions will evaluate state strategies/305(b) reports. (Ongoing)

- o GLNPO, with Regions/GL states assistance, will estimate total pollutant loads to each GL. Regions/GL states will continue to investigate and report effluent concentrations and quantities of top priority pollutants identified by International Joint Commission; and to complete process characterizations for appropriate industries. (Ongoing)

<u>Regions/States</u>

N o Regions II, III, and V will initiate development of LAMPs for Lakes Michigan, Erie, and Ontario, with support of GL states through such activities as estimating/reporting total loading of critical pollutants. (Ongoing)

- o Regions II, III, and V will continue to oversee GL states, and indian tribes to ensure GLs are identified as program priorities and GL activities and reporting requirements are integrated in water management programs/plans. (Ongoing)

- o Regions II, III, and V will continue to oversee work done by the GL states and indian tribes to integrate the specific GLWQA Annex 1 objectives into national criteria and State water quality standards to assure coverage of Critical Pollutants. (Ongoing)

+ o Regions/GL states will continue pollution control efforts in 30 Areas of Concern (AOCs) by completing, implementing and, updating RAPs, including developing plans and

measures to address in-place pollutants and combined sewer overflows. (Ongoing)

- o Regions/GL States, with assistance from GLNPO, will determine groundwater flux and contaminant loading, including mapping hydrologic conditions around known and suspected sources of contaminated groundwater in GL basin. (Ongoing)

- o Region II and State of New York, with GLNPO, will continue implementation of action plans and related U.S. Canadian initiatives for Niagara River/Lake Ontario toxic monitoring and control programs. (Ongoing)

- o GL states will continue to implement phosphorus load reduction plans for Lakes Erie and Ontario and Saginaw Bay, as components of U.S. Phosphorus Reduction Plan and base for Five-Year Nutrient Plan, required under CWA; and GLNPO will continue to track plan recommendations in reaching target loads, and to review Nutrient Plan for CWA/GLWQA compliance. (Ongoing)

- o ORD will continue to study the sources, fate and effects of toxic substances in the GLs, with emphasis given to the development of mass balance models, evaluation of the impacts of in-place pollutants, and development of methods to evaluate the performance of confined disposal facilities for dredged material; and technical assistance will also be provided.

5. Lake Management

States and qualified Indian Tribes will continue to improve lake water quality assessments and to develop lake management systems. The focus of the management systems is the control of point and nonpoint sources of pollution, generally on a watershed basis. These activities along with activities in other program areas (e. g., nonpoint source programs and wetland protection activities) support the 1995 objectives for lakes in the Office of Water Strategic Plan.

Headquarters

+ o Headquarters will develop funding criteria, review State and qualified Indian Tribe project proposals submitted through the Regions, provide technical assistance, and, as resources allow, make funds available to Regions for grants to States and qualified Indian Tribes. (Ongoing)

- Headquarters will work with other EPA offices (e. g., Office of Wetlands Protection and Office of Water Enforcement and Permits) and with other Federal agencies to focus activities related to lakes, particularly those undertaken by the U.S. Department of Agriculture (including the Water Quality Initiative), the Fish and Wildlife Service, and the Corps of Engineers. (Ongoing)

Regions/States/Qualified Indian Tribes

- Regions will work with States and qualified Indian Tribes to ensure that lake assessments and management needs are incorporated into water quality management plans. (Ongoing)

- Regions will provide technical assistance and transfer technical and educational information to States and qualified Indian Tribes. The Clean Lakes Clearinghouse will support such assistance and transfer. (Ongoing)

- Regions will review State and qualified Indian Tribe Clean Lakes project proposals; determine the eligibility of those projects for funding; and, as resources allow, award grants for eligible projects to States and qualified Indian Tribes. (Ongoing)

- States and qualified Indian Tribes will continue to improve lake water quality assessments, to develop lake management systems, and to develop a comprehensive data base of information on lake water quality. Water quality information, including lists of publicly owned lakes for which uses are known to be impaired or threatened and lakes known not to meet water quality standards, will be entered into the Waterbody System and reported in the 1992 report on lake water quality. (Ongoing)

6. Wetlands

Relationship to the Office of Water Strategic Plan

The strategic plan sets out a number of key directions in achieving the President's goal of "no net loss" of wetlands. These key directions include exerting EPA leadership among other Federal agencies, implementing international wetlands protection agreements, promoting public understanding of wetlands values, promoting State wetlands protection efforts, and strengthening the Section 404 regulatory program and its enforcement. All of the activities contained in the 1991 guidance contribute to these key directions and ultimately to the achievement of the no net loss goal.

Program Activities

In FY 1991, as EPA seeks to attain the President's goal of no net loss of wetlands and to implement requirements of the CWA, focus will be on working with other federal agencies and on integrating objectives of other EPA programs as they affect wetlands. In particular, wetland objectives of each of the OW programs will be integrated by developing comprehensive, geographic scale approaches for addressing water quality management and resource protection issues. Initiatives to protect wetlands will complement activities associated with nonpoint source pollution abatement, estuaries and near coastal waters efforts, clean lakes, water quality standards, and groundwater protection and other relevant programs.

Activities will dovetail with implementation of section 404 responsibilities including: 1) interpretation of section 404(b)(1) Guidelines; 2) prohibition or restriction of discharge sites under section 404(c) where unacceptable adverse environmental effects are projected; 3) review of Section 404 permit application public notices issued each year by the COE, proposed COE civil works projects, and associated EISs; 4) ensuring appropriate determination of jurisdictional limits of waters of the U.S.; 5) transfer of the 404 program to qualified States and Indian tribes and providing oversight of approved programs; 6) interpretation of statutory exemptions under section 404(f); 7) implementation of EPA enforcement authorities against unauthorized dischargers; and 8) review and comment on Federal agency proposed regulations which may affect section 404 implementation and on EISs for other major Federal actions that may directly or indirectly affect wetlands.

EPA's activities will be guided overall by the President's and the Agency's policy goal of seeking to achieve no overall net loss of the nation's wetlands in the short-run and seeking to increase the quality and quantity of the wetlands resource base in the longer run.

Headquarters

+ o HQs will provide support to the Assistant Administrator in the role as EPA member of the Domestic Policy Council's working group on wetlands and will take other appropriate steps to help formulate and implement the Administration's goal of no net loss of wetlands. (Ongoing)

+ o HQs will work actively with other federal agencies to strengthen wetland protection efforts including developing an agenda for protecting wetlands on federally

managed lands and improving the protection of sensitive resources through improved floodplain management. (Ongoing)

+ o HQs, working with OIA and others, will enhance EPA's role in wetlands protection internationally. One specific action will be to establish international working agreements with key multinational organizations. (Ongoing)

o HQs will continue to refine and develop policy guidance and technical methodologies for the section 404 program. In particular, a policy on mitigation and guidance on alternatives analysis will be made available for use by the Regions during FY 1991. HQs will also continue to provide training opportunities and technical assistance to Regions to improve effectiveness and consistency in implementing new regulatory policies and methodologies. (Ongoing)

o HQs will promote the use of available enforcement authorities with particular emphasis on expanding the use of the administrative penalty authority. HQs will also continue to encourage Regions to deliver inspector training and ensure that both new and experienced inspectors receive program-specific training.

o HQs and Regions will continue an emphasis on ecosystem initiatives to address broad scale, persistent or expected wetlands loss problems. This approach is designed to deal with geographic scale, persistent wetlands issues that may cross Regional boundaries and that have not been effectively addressed through the section 404 program. Anticipatory approaches such as advance identification and greenways/river corridor management plans may be used to reduce wetland losses. During FY 1991 HQs, in conjunction with the appropriate Regions, will place particular emphasis on wetlands loss and management problems in coastal Louisiana and western riparian ecosystems. (Ongoing)

o HQs will continue to work with ORD and OWRS to develop appropriate water quality standards for wetlands and to improve tools for the States' use of section 401 water quality certification processes. HQs will work with ORD to disseminate the technology and information produced as a result of EPA's Wetlands Research Program. (Ongoing)

- HQs will strengthen intra-agency coordination by integrating wetlands protection objectives into guidance and regulations of other Agency programs. In particular, HQs will seek opportunities for integrating wetland protection objectives through the nonpoint source program and water quality standards; implement improved test methods and procedural guidance on disposal of dredged material; coordinate on the development and implementation of sediment quality criteria; encourage use of section 401 water quality certification processes; and incorporate wetland objectives in the near coastal waters/national estuary, RCRA and CERCLA programs. (Ongoing)

- HQs will continue to work with the Regions to develop and disseminate to States, Indian tribes, and local governments, information, data and methods useful to them in the development and operation of wetlands protection programs. State grant funding will be available in FY 1991 to assist in these efforts. (Ongoing)

Regions/States/Indian Tribes

- Regions will assist States, Indian tribes and local governments in improving effectiveness of wetlands protection programs. Assistance will come primarily in the form of information transfer and will involve both section 404 and non-section 404 related approaches including public outreach efforts, additions to the wetlands science technical information base, and interagency coordination. Regions will integrate more effective use of the section 401 water quality certification process into State and tribal water quality management planning for activities involving discharges in wetlands. (Ongoing)

- Regions will seek opportunities to design and carry out strategic initiatives aimed at complementing formal regulatory actions, including participation in comprehensive, natural resource planning efforts, ecosystem/geographic initiatives, targeted enforcement initiatives, public education campaigns, support of critical research and development activities, and work with other federal agencies. (Ongoing) [STARS]

- Regions will continue to actively utilize EPA's civil and criminal enforcement authorities in order to ensure deterrence of inappropriate behavior and, where possible, remediation of environmental damages and will increase EPA enforcement presence through effective implementation

of EPA's administrative penalty authority established under the WQA. EPA's enforcement activities should be coordinated with Corps' enforcement activities as outlined in the EPA/Corps Enforcement Memorandum of Agreement (MOA). Regions will develop appropriate agreements with Corps field offices and State, Tribal or local governments to further the attainment of enforcement goals. (Ongoing) [STARS]

- o Regions will continue to actively address wetlands loss problems through implementation of the section 404 regulatory program. This will be accomplished through review of section 404 public notices, proposed Corps civil works projects, associated environmental assessment documents, and coordination with the COE. Where appropriate, Regions may invoke the dispute resolution process outlined under the section 404(q) MOA between EPA and the Corps or use EPA's section 404(c) authority to prohibit or restrict use of a wetland site for discharge of dredged or fill material. (Ongoing)

- o Regions should actively support State, tribal and local actions having objectives consistent with EPA wetlands program goals. Among others these would include greenway and river corridor management plans, habitat conservation plans, special area management plans, State water quality management plans, nonpoint source and stormwater management plans, and clean lakes plans. The availability of State grants during FY 1991 will greatly enhance these efforts. (Ongoing)

+ o Regions will provide support to HQs in the formulation and implementation of the Administration's goal of no net loss of wetlands. (Ongoing)

- o Regions will strengthen intra-agency coordination by integrating wetlands protection objectives into field activities of the Agency's program, in particular, the nonpoint source program, marine disposal of dredged material, use of section 401 water quality certification processes, and the near coastal waters/national estuary, RCRA and CERCLA programs. (Ongoing)

C. PROTECTING SURFACE WATER-ACTIVITIES

1. Water Quality Standards

Water quality standards play a critical role in the Nation's water quality-based pollution control program. They provide the goals for waters and the legal authority and regulatory basis for water

quality-based treatment requirements. The FY 1991 activities for this program include the adoption of aquatic life and human health numeric criteria for 307(a) priority pollutants in State water quality standards and completion of a triennial review of State water quality standards. These activities and the requirements that have to be met when a State conducts a triennial review support the 1995 objectives in the Office of Water Strategic Plan for coastal and marine waters (i. e., estuaries), rivers and streams, and wetlands.

The requirements for the water quality standards program for the FY 1991-1993 triennium are for States and qualified Indian Tribes to: (1) adopt narrative water quality standards that apply directly to wetlands; (2) adopt water quality standards that apply directly to estuaries; (3) adopt narrative biological criteria in water quality standards to protect the designated uses for wetlands, estuaries, and other priority waters; (4) adopt salt water criteria, as appropriate, in water quality standards; and (5) adopt antidegradation implementation methods in water quality standards. These requirements have to be met in FY 1991 by States that complete a triennial review in FY 1991.

To achieve the FY 1991-1993 triennium requirements, States and qualified Indian Tribes should begin work immediately. In FY 1991, 106 work programs and State/EPA agreements should be developed to assure that these requirements are met by September 30, 1993.

Headquarters

N o Headquarters, with Regional participation, will promulgate water quality standards for States that fail to comply fully with the requirements of section 303(c)(2)(B). (Ongoing)

N o Headquarters will analyze existing water quality data bases and new information on toxic pollutants generated by water quality and other programs to establish whether additional standards are necessary for full 303(c)(2)(B) compliance.

N o Headquarters will develop methods for deriving sediment criteria; promulgate revisions to the Water Quality Standards regulation; and develop guidance on ways to link nonpoint source and combined sewer overflow control programs to water quality standards. (Ongoing)

o Headquarters will update section 304(a) criteria for human health protection based on reference dose factors and cancer potency and publish additional water quality

criteria for those pollutants posing the greatest ecological and human health risks. (Ongoing)

+ o Headquarters will expand the water quality standards training and information exchange program to provide opportunity for greater participation in that program. Training and information exchange programs will include water quality standards for wetlands and narrative biological criteria. (Ongoing)

Regions/States/Qualified Indian Tribes

o Regions will work with States and qualified Indian Tribes to identify additional waters where the discharge or presence of section 307(a) priority pollutants could reasonably be expected to interfere with the designated uses of those waters. (Ongoing)

N o Regions will approve numeric criteria for 307(a) priority pollutants adopted by States in accordance with section 303(c)(2)(B) and work with Headquarters to promulgate numeric criteria for 307(a) priority pollutants for States that fail to comply fully with section 303(c)(2)(B). (STARS-Second and Fourth Quarter)

o Regions, with Headquarters participation, will provide technical and legal support to States and qualified Indian Tribes when significant challenges to water quality standards occur during the standards adoption process or in subsequent use of standards to develop point and nonpoint source controls. (Ongoing)

o Regions, with Headquarters support, will provide technical assistance to qualified Indian Tribes during the development and implementation of water quality standards. (Ongoing)

o Regions will work with States and qualified Indian Tribes to adopt, as appropriate, all criteria necessary to support designated uses. These criteria should be based on the latest scientific information on conventional, non-conventional and toxic pollutants. (Ongoing)

N o Regions will ensure that 106 work programs and/or State/EPA agreements reflect the water quality standards program requirements for the FY 1991-1993 triennium. (Ongoing)

- o Regions will take formal action (approval or disapproval and request for promulgation) on revisions or additions to State water quality standards. (STARS-Second and Fourth Quarter)

N o States that complete a triennial review of water quality standards in FY 1991 will meet the water quality standards program requirements for the FY 1991-1993 triennium. (STARS-Second and Fourth Quarters)

N o Indian Tribes that want to qualify for treatment as a State for the water quality standards program will submit an application for treatment as a State to EPA for approval. (Ongoing)

2. Water Quality Monitoring and Assessment

FY 1991 monitoring and assessment activities concentrate on identifying and characterizing water quality problems that pose the greatest risk to human health and the aquatic environment and on supporting management decisions on water quality standards, NPDES permits, and nonpoint source controls. These activities along with the continuation of current baseline monitoring activities support the 1995 objectives in the Office of Water Strategic Plan for coastal and marine waters, rivers and streams, lakes, and wetlands by providing information that can be used to make water quality decisions.

Headquarters

- o Headquarters will provide oversight, guidance, and assistance to Regions, States, and qualified Indian Tribes to ensure action is taken on lists of impaired waters and sources of toxic pollutants reported in the biennial reports on water quality. (Ongoing)

- o Headquarters will continue to work with Regions, States, and qualified Indian Tribes to develop program guidance on developing lists of water quality limited waters and total maximum daily loads for those waters. (Second Quarter)

- o Headquarters will prepare and issue guidance for the 1992 report on water quality with emphasis on coastal waters and critical aquatic habitats. (Third Quarter)

- o Headquarters will prepare a summary of the State 1990 reports on water quality and submit the summary to Congress. (Third Quarter)

- o Headquarters will continue to provide technical assistance to Regions, States, and qualified Indian Tribes to develop total maximum daily loads (TMDLs), wasteload allocations (WLAs), and load allocations (LAs) with emphasis on TMDLs, WLAs, and LAs for coastal/marine waters. (Ongoing)

- o Headquarters will work with Regions, States, and qualified Indian Tribes to enhance the Waterbody System (WBS), including investigating ways to link the WBS to State Geographic Information Systems, so that progress toward assessing and cleaning-up waters can be documented. (Ongoing)

- o Headquarters will issue a final long-term Monitoring Framework that identifies the technical and program guidance and assistance needs of the States and qualified Indian Tribes. (First Quarter)

N o Headquarters will analyze data to support the use of environmental indicators identified in the Office of Water Strategic Plan and the guidelines for the 1992 report on water quality. (Second Quarter)

- o Headquarters will continue to work with the Regions to ensure that reliable bioassessments are conducted, including biosurveys and toxicity testing, and that the Regions evaluate the results of State and qualified Indian Tribe bioassessments, which should also assist States in assessing their aquatic living resources. The STORET BIOS file will be expanded to store the results of these bioassessments, which should also assist States in assessing their aquatic living resources. (Ongoing)

N o Headquarters, in cooperation with the Sediment Technical Committee, will prepare guidance on remediation methods for individual sediment site management. (Third Quarter)

- o Headquarters will lead the effort to implement the recommendations in the systems integration study through the Steering Committee for Water Quality Data Systems. (Ongoing)

N o In cooperation with OIRM and through the Steering Committee for Water Quality Data Systems, Headquarters will begin to modernize STORET using the vision guidelines for STORET 1995. (Second Quarter)

o Headquarters will assist in the compilation and integration of data from other Federal agencies to ensure its usefulness to water quality assessments; and, along with the Regions will assist States and qualified Indian Tribes to interpret available data. (Ongoing)

Regions/States/Qualified Indian Tribes

o Regions will report the number of waters and the number of stream miles, lake acres, estuary segments, and coastal miles assessed through (1) monitoring or (2) evaluation, according to the guidance for 305(b) reports. STARS-Fourth Quarter)

o Regions will assist States and qualified Indian Tribes to: (1) collect data to support environmental indicators selected in FY 1990; (2) collect data in fresh and coastal waters to identify changes in water quality and to provide a basis for identifying/solving cases of impairment; and (3) to ensure that reliable bioassessments, including biosurveys and toxicity testing, are conducted. (Ongoing)

o Using the final results of the bioaccumulation study, Regions will assist States and qualified Indian Tribes to develop total maximum daily loads/wasteload allocations/load allocations and risk assessments, as needed, and will review and approve the total maximum daily loads/wasteload allocations/load allocations. (Ongoing)

o Regions will assist Headquarters to improve water quality data systems by continuing to participate on the Steering Committee for Water Quality Data Systems. (Ongoing)

o States and qualified Indian Tribes will submit Section 303(d) lists of water quality limited waters and total maximum daily loads/wasteload allocations for those waters. Regions will take approval/disapproval actions on those lists. (Fourth Quarter)

o States and qualified Indian Tribes will continue, as appropriate, to evaluate waters to determine if numeric criteria for 307(a) priority pollutants are needed to protect designated uses. (Ongoing)

- o States and qualified Indian Tribes will develop 106 work programs with specific actions that support baseline monitoring programs and the recommenda-tions of the Surface Water Monitoring Study, including evaluating and upgrading monitoring and assessment capabilities and improving access, use, sharing, and integration of data. (Ongoing)

3. Water Quality Management

Water Quality Management (WQM) plans and Continuing Planning Processes (CPP) required by section 303(e) of the CWA, as amended, provide States and qualified Indian Tribes the framework to identify water quality problems, establish priorities, and develop control actions for those problems. WQM plans serve as the focal point for integration of all CWA programs and must be updated to reflect new water quality information and management actions (e. g., control actions developed under sections 304(l) and 319 of the CWA). CPPs are designed to ensure that water quality activities are coordinated and that those activities are consistent with water quality objectives.

Through WQM plans and CPPs, program activities can be developed and implemented to meet the 1995 objectives in the Office of Water Strategic Plan for the six major categories of water resources. WQM plans and CPPs also provide the opportunity to make the institutional framework changes discussed in the Strategic Plan to achieve the environmental goals and objectives in that plan.

The 1987 Water Quality Act authorized additional funds for WQM activities by States, regional planning organizations, and qualified Indian Tribes. These include Title VI funds for section 205(j)(2) planning grants and section 319 funds for nonpoint sources projects.

Headquarters

- o Headquarters will provide: (1) assistance by developing regulations, guidance, and policy for CWA program grants; (2) budgetary support for OWRS grant programs; and (3) annual funding allocations for appropriations under 106, 314, 319(h), and 604(b). (Ongoing)

+ o Headquarters will continue national grant program oversight, assist in the resolution of specific grant issues, and track grant and financial data for all OWRS programs. (Ongoing)

Regions/States/Qualified Indian Tribes

N o Regions will report to Headquarters the amount of funds identified in State and qualified Indian Tribe 106 work programs by selected national water quality program elements. (STARS-Second Quarter)

o Regions will provide funding targets and guidance for negotiating grant work programs consistent with Agency priorities and specific State/qualified Indian Tribe needs. Work programs must contain quantifiable output commitments consistent with EPA's Policy on Performance-Based Assistance. (Ongoing)

+ o Regions will ensure that basic program grant conditions and eligibility requirements (i. e., level-of effort requirements under sections 106 and 319, matching requirements under section 319, and the requirements under 205(j)(3) for 40 percent pass-thru to RPCPSs/IOs) are met prior to awarding grants. (Ongoing)

o Regions will monitor the performance of States and qualified Indian Tribes that receive a Federal grant; will conduct a minimum of one on-site evaluation of water quality grant program activities; and will provide timely review of all grant outputs. (Ongoing)

o States will fund water quality planning activities from unawarded FY 1990 reserves under sections 205(j)(1) and 604(b) and from FY 1991 604(b) reserves. In addition to section 319 funds, State nonpoint source program development and implementation activities should be funded from FY 1990 unawarded section 205(j)(5) reserves and discretionary funds under sections 201(g)(1)(B) and 603(c). Qualified Indian Tribes are eligible to receive section 106 grants and nonpoint source funds under section 319. (Ongoing)

o States and qualified Indian Tribes will prepare grant work programs that reflect national program priorities (e. g., the FY 1991-1993 triennium requirements for the water quality standards programs) and Regional guidance, if any, tailored to individual States and qualified Indian Tribes. (Ongoing)

+ o States and qualified Indian Tribes will update WQM plans where required by law to reflect the results of activities under sections 304(l) and 319 and to address the integration of CWA program activities (e. g., nonpoint sources, clean lakes, and wetlands). (Ongoing)

4. Nonpoint Source

In FY 1991, States and qualified Indian Tribes will implement Nonpoint Source (NPS) management programs approved under section 319 of the CWA, as amended. While EPA will assist States and qualified Indian Tribes to upgrade NPS management programs so that those programs can be approved, primary attention will be NPS implementation activities directed at specific watersheds. These activities along with other actions such as providing technical assistance on solutions to NPS pollution and promoting alliances, both public and private, to address NPS pollution problems support the 1995 objectives in the Office of Water Strategic Plan for coastal and marine waters, rivers and streams, lakes, and wetlands.

Headquarters

- o Headquarters will provide oversight of Regional NPS program management and help resolve issues that arise during NPS implementation activities. (Ongoing)

+ o Headquarters will develop funding criteria, assist Regions in reviewing State and qualified Indian Tribe project proposals, and , as resources allow, make funds available for NPS grants to States and qualified Indian Tribes. (Ongoing)

- o Headquarters will provide technical assistance, conduct technology transfer workshops, and develop and distribute analytical methods and other tools needed to evaluate and implement NPS controls. Headquarters will also support the NPS Clearinghouse and publish NPS News-Notes. (Ongoing)

- o Headquarters will work with other Federal agencies to ensure that programs, authorities, and resources are mobilized to support implementation of State and qualified Indian Tribe NPS management programs. A priority activity is working with the U. S. Department of Agriculture (USDA) during implementation of the USDA Water Quality Initiative. (Ongoing)

- o Headquarters will work with Federal agencies whose programs or projects are inconsistent with a State or qualified Indian Tribe NPS management program to ensure that necessary modifications are made to make those programs and projects consistent with the management program. Headquarters will also work internally with other EPA offices to ensure Action Plans that support EPA's NPS Agenda are implemented. (Ongoing)

- o Headquarters, with participation of the Regions, States, and qualified Indian Tribes, will support EPA's National Coastal and Marine Policy and the wetlands protection program. Headquarters will continue mutual efforts with the Office of Groundwater Protection to incorporate groundwater protection into NPS program activities. (Ongoing)

+ o Headquarters, in cooperation with the Regions, will continue to work on the pollution prevention initiative on agricultural chemical management. (Ongoing)

+ o Headquarters will provide technical assistance to Congress on NPS pollution in connection with the anticipated reauthorization of the Clean Water Act in 1992. (Ongoing)

<u>Regions/States/Qualified Indian Tribes</u>

- o Regions will help States and qualified Indian Tribes obtain approval of unapproved elements in NPS management programs. (Ongoing)

+ o Regions will negotiate grant work programs and award and manage grants to States and qualified Indian Tribes for the implementation of approved NPS management programs. (Ongoing)

- o Regions will assist States and qualified Indian Tribes to mobilize other Federal and EPA programs to support NPS implementation activities. (Ongoing)

+ o Regions will support technology transfer and outreach activities to improve technical expertise on NPS pollution and to enhance public support for NPS controls at all levels. (Ongoing)

- o Regions will review and apply funding criteria, review State and qualified Indian Tribe project proposals, and, as resources allow, award NPS grants to States and qualified Indian Tribes. (Ongoing)

- o States and qualified Indian Tribes will implement watershed programs and projects in approved NPS management programs. (STARS-Second and Fourth Quarter)

5. NPDES Permitting

The Office of Water's Strategic Plan is centered on risk reduction and recognizes the importance of maintaining the progress to date while looking forward to more complex and difficult challenges. As we move to implement the strategic plan the functions and responsibilities covered by the Office of Water Enforcement and Permits will play a central role. Not only does this program provide the regulatory basis for point source controls, i.e. NPDES permits, it aggressively pursues noncompliance with its enforcement program. The pretreatment and sludge programs are actively involved in pollution prevention efforts. Through our delegation of authority - to the States for the NPDES program and locals for pretreatment - we are very concerned with building and improving State and municipal capabilities. Our program functions are further evolving to address the needs of the future--bioaccumulative pollutants, stormwater, coastal protection, aggressive and equitable enforcement, tailored State oversight and greater program efficiencies. The following sections (5) through (8) discuss our FY 91 program as we move forward to meet the long term objectives set forth in the strategic plan.

In FY 91, EPA and States will: continue aggressive programs to control toxic discharges to surface waters through the NPDES program; emphasize permit reissuance in near coastal waters to protect critical aquatic habitats; control sludge use and disposal through permits by implementing the interim sludge permitting strategy; reissue NPDES permits to reflect new effluent guidelines, and deal with water quality problems from stormwater by implementing the stormwater application regulations and the combined sewer overflow national strategy. In FY 91, EPA will continue to work with States, professional trade associations, and local officials to define outreach needs and develop tools to meet those needs.

Headquarters will work with the Regions and States to establish and maintain national consistency in toxicity controls through the NPDES permit program. States and Regions will reissue permits to include, as appropriate, enforceable, numeric whole effluent and chemical specific toxicity based limits. Permits will be written consistent with State anti-degradation policies and implementation procedures. Permit quality reviews will also be conducted by Regions as well as Headquarters as a means to review and improve the permits and work towards national consistency.

Prior to promulgation of the sludge technical standards, EPA generally will defer to State sludge permitting efforts wherever they exist, and will focus on standard permit conditions and appropriate monitoring requirements, along with compliance with existing sludge standards. For priority sludge facilities, EPA and

States will take appropriate permitting and enforcement actions to address the concern. When the technical criteria regulations are promulgated, NPDES permits implementing those criteria must be issued to all covered POTWs unless the requirements are covered in another permit issued under an approved State permit program. In FY91, Regions and States will continue to focus municipal permit reissuance on improving the quality of permits and addressing pretreatment implementation requirements, including compliance with DSS and PIRT rules, and appropriate follow up to findings contained in audits and PCIs.

Combined sewer overflow (CSO) and stormwater problems are particularly important in near coastal waters. The CSO control strategy, issued in FY 89, required States to develop permit strategies by 1/15/90. CSO permits will need to be issued as well as modifications to existing CSO permits as quickly as possible. Stormwater application regulations and guidance issued in FY90 covered discharges associated with industrial activities and municipal separate storm sewer systems serving populations of 100,000 or more. In FY91 EPA will provide assistance to industrial and municipal dischargers as they begin to prepare permit applications.

In FY 1991, the Regions and States will continue to implement the RCRA corrective action process begun in prior years. Regions will review CERCLA and RCRA remedial actions involving discharges to surface waters or POTWs to ensure that appropriate technology and water quality limits are met.

<u>Headquarters</u>

- o Headquarters will provide technical assistance and training for permit writers, and contract assistance to develop permits, particularly high priority water quality-based permits. (Ongoing)

+ o Headquarters will work with Regions and States to achieve national consistency in the development and implementation of toxic control programs and enforceable toxicity permit limits. (Ongoing)

- o ORD will continue to support toxicity reduction evaluation procedures for the development of water quality based permit limitations. Information will be developed on treatability of RCRA wastes for predicting effluent concentrations, POTW pass-through and potential water quality problems. (Ongoing)

+ o Headquarters will issue additional guidance where necessary on permitting procedures covering aspects of

human health issues, which will be used in conjunction with guidance available on bioconcentration accumulation and drinking water contamination. (Ongoing)

N o Headquarters will provide assistance to the Regions and States in sludge permitting (either 503 or case-by-case). (Ongoing)

o Headquarters will provide technical assistance to Regions and States in evaluating permittee procedures/techniques for toxicity reduction evaluations. (Ongoing)

o Headquarters, with participation of the Regions and the States, will continue implementation of the Agency's National Coastal and Marine Policy. (Ongoing)

N o Administering agencies will also reissue and/or modify permits to implement BAT guidelines for organic chemicals to achieve compliance quickly. (Ongoing)

<u>Regions/States</u>

o Regions/States will reissue all major permits expired or expiring in FY 1991. (Ongoing) [STARS]

N o As NPDES permits for POTWs with approved pretreatment programs are reissued, Regions and States will incorporate specific and enforceable requirements to facilitate and strengthen POTW pretreatment implementation, compliance with sludge requirements, and development of local limits. (Ongoing)

+ o Regions will issue by 2/4/91 final permits to facilities listed by the Region in the section 304(l) disapproval process as requiring ICSs and for which draft permits were submitted on 6/4/90. (Second Quarter)

o Regions/States will reissue or reopen permits for organic chemical plants, bleached kraft pulp mills, and others not previously addressed to incorporate technology-based and water quality-based limits. There will be more focus on developing limits to protect human health. (Ongoing)

+ o Regions/States will follow the interim sludge permitting strategy by including sludge monitoring, existing national sludge regulatory requirements and additional case-by-case conditions in priority POTW permits in NPDES or State sludge permits. (Ongoing) [STARS]

- o Regions/States will implement the RCRA permit-by-rule requirement and establish corrective action requirements where necessary for POTWs that are receiving hazardous wastes not mixed with domestic sewage. (Ongoing)

- o Regions/States will focus increased attention on permit issuance to NPDES permittees discharging to marine/ estuarine waters, especially to control the discharge of bioaccumulative and persistent toxicants.(Ongoing) [STARS]

N o Regions and States will issue/modify permits for CSO discharges based on FY 90 strategies. (Ongoing)

N o Regions/States will ensure water quality standards antidegradation implementation procedures are reflected in NPDES permits and NPDES permit public notices. (Ongoing)

N o Regions/States will begin reviewing stormwater permit applications as stipulated in regulations promulgated in FY 1990. (Ongoing)

6. <u>NPDES Enforcement</u>

The goals for the NPDES enforcement program in FY 91 are to ensure continued municipal and industrial compliance and to increase our enforcement presence in emerging program areas such as toxic controls, storm water, combined sewer overflows and sludge. The NPDES enforcement program will maintain its ability to address compliance problems on a targeted basis, i.e. geographic areas, industry-wide noncompliance, pollutant specific, etc. Such targeting may be Region-specific or national in scope, depending upon the source and the significance of the problems.

Specifically, in the municipal area emphasis will shift from construction of facilities to improving compliance of constructed facilities with final effluent limits. In an effort to bring municipal significant noncompliance rates to a level comparable or better than that of industry, EPA will provide guidance for identifying the cause(s) of POTW noncompliance through diagnostic inspections and establishing compliance correction plans utilizing section 308 letters, administrative orders, or where necessary, judicial actions. EPA will also develop and implement the Municipal Water Pollution Prevention Program, which anticipates when POTWs should begin corrective actions to avoid future non-compliance.

In support of this municipal compliance emphasis, EPA will continue to emphasize improved monitoring/inspections to evaluate compliance with toxic requirements in NPDES permits, increased use of

diagnostic inspections and tracking to identify and correct chronic noncompliance, and enforcement of pretreatment implementation requirements for POTWs (as discussed in further detail in the pretreatment section, which follows). Administering agencies will coordinate pretreatment and municipal enforcement actions so that, when an action is taken in response to noncompliance in one program, consideration is given to the other.

EPA will place a high priority on identifying and enforcing toxic permit requirements to protect human health and aquatic life. EPA, in cooperation with the States, will implement the Compliance Monitoring and Enforcement Strategy for Toxics Control. The strategy focuses on inspections to monitor acute and chronic toxicity; criteria targeting enforcement responses to violations that pose the greatest potential risk to water quality; lab performance evaluation criteria for toxicity analysis; and an updated DMR/QA program to meet new and expanded needs for toxicity controls. EPA will also implement the Compliance Monitoring and Enforcement Strategy for sludge which will require monitoring and assessing the compliance of permittees with sludge requirements and taking appropriate enforcement where necessary.

Headquarters

- o Headquarters will evaluate the use of available enforcement mechanisms to ensure the optimum use of enforcement authorities. Headquarters/Regions will assess State penalty practices. (Ongoing)

+ o Headquarters will take the necessary steps to assure that PCS is being used effectively and has the elements to allow for effective linking to other information systems. This requires entering of latitude/longitude data in PCS; identifying other environmental information systems with relevant information; and designing, distributing and using specially designed programs to facilitate system linkages, data download and uploads and data analyses. (Ongoing)

- o Headquarters (OWEP/ORD) will continue the DMR QA program to include a reference toxicant to test permittees' ability to conduct whole effluent toxicity tests. (Second Quarter)

+ o OWEP will coordinate with the Office of Municipal Pollution Control in the development and implementation of the Municipal Water Pollution Prevention Program. (Ongoing)

- o Headquarters will continue to encourage Regions to deliver inspector training and ensure that both new and experienced inspectors receive program-specific training. (Ongoing)

- o Headquarters will implement the EPA Federal Facility Compliance Strategy, signed by the Administrator on November 8, 1988. (Ongoing)

Regions/States

- o Regions and States, using the entire spectrum of enforcement mechanisms, will ensure compliance with all formal enforcement actions (AOs, civil and criminal) by tracking cases from issuance to closeout in the case of AOs and by tracking compliance with judicial consent decrees and court orders, and by prompt follow-up action when deadlines are missed. (Ongoing)

- o Regions will provide technical support for criminal investigations and prosecutions in program priority areas and refer to the Office of Criminal Investigation matters involving suspected criminal violations. (Ongoing)

- o Regions will ensure that EPA judicial referrals/consent decrees and final administrative penalty orders contain appropriate civil penalties consistent with the CWA Penalty Policy. (Ongoing)

- o Regions/States will take timely and appropriate enforcement against SNC violations, including those involving toxic pollutants. (Ongoing) [STARS]

+ o Regions/States will shift resources within the inspection base to focus inspections on assessing permittee biomonitoring capabilities and evaluating permittee procedures/techniques for toxicity reduction evaluations. (Ongoing) [STARS]

- o Regions/States will continue to ensure timely and accurate data entry of all WENDB data elements. (Ongoing)

N o Regions/States will incorporate the compliance monitoring and enforcement of sludge requirements into their ongoing enforcement program. (Ongoing)

N o Regions/States will implement an intensive effort to reduce the level of significant noncompliance of major POTWs with final effluent limits. (Ongoing)

N o Regions will evaluate State penalty practices to ensure that the States are seeking civil judicial penalties that are consistent with the Clean Water Act Penalty Policy. (Ongoing)

+ o Regions/States will develop and implement Municipal Pollution Prevention programs for anticipating when a POTW should begin planning facility construction to avoid future noncompliance. (Ongoing)

7. Pretreatment

The goal is to assure that POTWs[1] fully implement and enforce pretreatment controls for conventional, nonconventional and toxic pollutants and hazardous wastes that are necessary to protect human health, the environment, and the treatment works. Administering Agencies should give priority to: 1) the modification of NPDES permits that will be reissued in FY 1991 to incorporate new requirements resulting from new or revised pretreatment regulations, to correct inadequacies identified in the operations of the POTW pretreatment program and to incorporate appropriate controls for toxic pollutants, and 2) identification of those POTWs that meet the criteria for reportable noncompliance and report them on the Quarterly Noncompliance Report. Where the POTW also meets the definition of significant noncompliance, formal enforcement action should be initiated when the POTW does not return to compliance within a timeframe consistent with the definition.

Administering Agencies should ensure that all POTWs whose NPDES permit will be reissued in FY 1991 receive pretreatment audits to identify inadequacies in the approved pretreatment program. Administering agencies will then ensure effective pretreatment programs for those POTWs by:

- Permit and Program Modification: Regions and States will formally review and where appropriate modify approved pretreatment programs and NPDES permits to incorporate new requirements or to correct program inadequacies. Modification and approval will follow both the October 17, 1988, (PIRT) and the FY 90 DSS amendments to the General Pretreatment Regulations, and focus on the following five areas: local limits; legal authority; control mechanisms; inspections, sampling, and IU reporting; and enforcement procedures.

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[1]Throughout this section, wherever POTWs are cited, the same requirements apply to States or EPA acting as Control Authority in lieu of local program.

- o <u>Enforcement</u>: Regions and States will assure that POTWs operate their approved programs and comply with reporting requirements. Where POTWs fail to successfully implement their program as measured by the guidance on significant noncompliance, Administering Agencies should take timely enforcement action to address the problem.

  Where there is an approved program, and the POTW has not taken all actions available under its authority, to secure the compliance of the IU, action against both the POTW and the IU will usually be appropriate. Where EPA or the State is the Control Authority, enforcement action should be taken against those IUs which have not complied with categorical standards, especially those IUs where the POTW has been identified as having interference or pass-through problems.

- o <u>Data Management</u>: Regions and States will assure that POTWs have in place and employ appropriate mechanisms to track and determine compliance rates for SIUs, using the definition of significant noncompliance when it is promulgated, and that POTWs report such data at least annually. States and Regions will employ PCS to track pretreatment information and assist in identifying POTWs which meet the criteria for reportable noncompliance and significant noncompliance. Regions and States should also use PCS to identify the compliance of IUs where EPA or the State is the Control Authority.

For State-run pretreatment programs, special attention will be given to monitoring and evaluating performance. Regions should ensure that States are inputting data into PCS systems as appropriate and should monitor the overall performance of the program to ensure that industrial users are in compliance. Where there is no approved local program Regions/States should evaluate the need to develop local programs consistent with section 403.8 of the pretreatment regulations.

<u>Headquarters</u>

N o Headquarters will assist Regions/States to implement changes to NPDES and General Pretreatment Regulations based on the DSS rule promulgated in FY 90. (Ongoing)

N o Headquarters will issue a revised audit and PCI checklist, pretreatment performance summary and PPETS data elements to facilitate determination of RNC/SNC. (Second Quarter)

N o Headquarters will provide information on POTWs with approved pretreatment programs whose NPDES permits will

expire in FY 91 and provide model pretreatment program implementation language to be considered for incorporation into the permits. (Ongoing)

+ o Headquarters will propose changes to the NPDES regulations on the Quarterly Noncompliance Report to incorporate reporting requirements for pretreatment consistent with the recommendation of the RNC/SNC workgroup. (Fourth Quarter)

N o Headquarters will provide Regions with lists of IUs in nonpretreatment cities based on the Toxic Release Inventory. (First Quarter)

Regions/States

N o Regions and States will evaluate and revise as necessary, pretreatment program implementation requirements in NPDES permits as they are reissued, as well as requirements implementing applicable state chemical specific and narrative toxicity water quality standards. (Ongoing)

+ o Regions/States will assess and provide technical assistance and training to POTWs as they implement/enforce their programs and adopt new requirements resulting from the DSS rule. (Ongoing)

+ o Regions/States will place priority on enforcement against POTWs in significant noncompliance; IUs subject to Organic Chemicals standards; and IUs in nonpretreatment cities. (Ongoing)

o Regions will use criminal enforcement authorities against appropriate industrial users with special attention on knowing/negligent introduction into a POTW of toxic pollutants/hazardous wastes (as defined by CWA sections 311(b)(2)(A) and 307(a); CERCLA section 102; RCRA section 3001; TSCA section 7) in excess of legal limits. Regions will provide technical support for criminal investigations and prosecutions in pretreatment cases. (Ongoing)

N o Regions/States will ensure that approved POTWs adopt Enforcement Response Plans as required by the DSS amendments. (Ongoing)

o Regions/States that act as control authorities will implement/enforce the pretreatment program consistent with national guidance, and will be held to the same standards of implementation as local authorities. (Ongoing)

- o Regions/States will ensure that all approved pretreatment programs are inspected or audited annually. (Ongoing) [STARS]

8. NPDES, Pretreatment and Sludge State Program Approval, Review, and Oversight

In FY 91, the goal is to continue to strengthen the Federal/State partnership by conducting effective oversight to ensure sound, consistent implementation of State programs, improving the legal and regulatory basis of current State programs, and approving new State NPDES, pretreatment and sludge programs. As State NPDES and pretreatment programs mature and as more States assume these responsibilities, these activities continue to grow in importance. In addition, EPA will work with any Indian tribes seeking to administer the NPDES program as authorized by the WQA.

Regions will continue ongoing activities to oversee the quality and implementation of approved NPDES programs. These activities include permit reviews, regular meetings with State program officials, annual state program assessments, and assistance to the State as needed to assure effective implementation. Regions will continue to negotiate agreements with their States on managing and overseeing NPDES programs consistent with the Oversight Guidance and applicable NPDES/pretreatment regulations. By 1991, many of the initiatives begun in earlier years will be institutionalized into other documents and agreements, and more emphasis will be placed on follow up by Headquarters and by Regions to ensure the sound, consistent application of these principles and practices. Part of this effort will include continuation of EPA's tailored oversight program.

The Regions will continue to encourage NPDES States to assume authority for the pretreatment program, and will continue to condition section 106 grants accordingly. Regions should accelerate efforts to encourage States to assume authority for the sludge program prior to EPA promulgation of the technical sludge regulations. Regions should accelerate efforts to encourage State program modifications for general permitting authority, since this will be a key to successful implementation of stormwater program activities for all NPDES States.

Headquarters

N o Headquarters will assist Regions and States in assessing State sludge programs and State sludge program delegations. (Ongoing)

+ o Headquarters will assist Regions with the conduct of State pretreatment program audits to assess State performance. (Ongoing)

o Headquarters will provide guidance/assistance to Regions in conducting legal reviews, correcting program deficiencies, and responding to litigation/administrative petitions from third parties seeking withdrawal of State programs. (Ongoing)

o Headquarters will promulgate changes to NPDES Regulations to incorporate requirements of the Water Quality Act of 1987, and to clarify existing regulatory provisions. (Fourth Quarter)

o Headquarters will assist Regions with Indian tribes seeking to administer the NPDES program. (Ongoing)

Regions/States

o Regions will increase their oversight of approved State pretreatment programs, and will take appropriate steps to correct problems where States are not adequately implementing/enforcing program requirements. (Ongoing)

o Regions will continue to review/approve programs/program modification requests for NPDES (including pretreatment, general permits and sludge), and separate sludge program authority and review and approve partial NPDES programs. (Ongoing)

+ o Regions will work with States to assure effective and timely implementation of their surface water toxics control programs, including implementation of each State's toxic control action plans. (Ongoing)

+ o Regions will continue to oversee State NPDES programs, tailoring oversight to focus on priority activities and areas needing improved performance. (Ongoing)

9. State Revolving Fund Management

In FY 1991 the State Revolving Fund (SRF) program will be the largest source of federally supported financial assistance available to local municipalities for the construction of wastewater treatment works. Although there will still be some ongoing construction grant funding with carryover funds and deobligations, the SRF program will be the primary source of local financial assistance. States are encouraged to factor SRF funding and management strategies into their overall water quality program plans.

The SRF program supports the objectives of the Office of Water Strategy by producing a funding mechanism in lieu of Federal grants for the construction of municipal wastewater treatment facilities and other eligible activities. FY 1991 will be important in the implementation of SRF for several reasons. First of all, FY 1991 will be the first full year of SRF implementation in many States. Many issues involving alternative financing options and SRF operating policies can be expected. The Agency must stand ready to provide timely, high quality technical assistance to ensure the ongoing effective implementation of the program. In addition, the results of the annual audits of the first round of capitalization grants will be completed. EPA and the Office of Water, in cooperation with the Regional offices, will be prepared to deal with any audit findings in a timely and responsible manner and to factor the results of these audits into national guidance or policy.

EPA will continue to provide a point of coordination for States and Regions to share SRF program implementation experience to facilitate the ongoing success of this new program.

Headquarters

- Headquarters will conduct formal reviews of State SRF capitalization grant applications which involve aggressive leveraging or propose to generate a State match from the fund. Headquarters will assist Regional offices in reviewing other applications as requested.

- Headquarters will continue to oversee Regional activities, provide advice, develop additional guidance, regulations and training as appropriate.

Regions/States

- Regions will continue to review and approve applications. They will review annual reports and conduct annual reviews. They will effectively manage the SRF grant award process to ensure that payment schedules and cash draws are consistent with LOC cash draw rules.

10. Management of the Ongoing Construction Grants Program

The management of the construction grants program will continue to be a high priority of the Office of Water. Approximately 5,500 projects representing a federal investment in excess of $25 billion are in various phases which still require EPA action in FY 1991. In addition, the grants to Indian Tribes from 518(c) set-asides are expected to be under construction during

FY 1991. EPA is committed to working with the States and local governments to ensure that the technical, environmental and fiscal integrity of the program is maintained as this workload of projects moves toward completion.

The successful completion of the construction grants program supports the Office of Water Strategy by ensuring that funded municipal wastewater treatment works are completed and perform as designed to achieve environmental results. During FY 1990 EPA is developing a completion closeout strategy which will seek to complete the program as efficiently and expeditiously as possible while maintaining the fiscal integrity of the programs.

In excess of ninety percent of the day-to-day project management activities in the construction grant program are performed by the States and U.S. Army Corps of Engineers under delegation agreements. The State activities are supported by construction management assistance grants under Section 205(g) of the Clean Water Act. The States and the Corps will be key actors in the successful management of the program to completion.

The administrative completion, audit, and audit resolution functions are critical in the successful management of grant projects. EPA and State program managers must be prepared to follow through on these functions, not only to ensure full reconciliation of the Federal (and any matching State) financial involvement, but also to represent program decisions during audit.

Headquarters

- Headquarters will continue to emphasize the successful completion and closeout of the construction grant program, including working with the IG to promote high quality and timely completion of the program.

- Headquarters will continue to overview Regional performance in the management of the dispute resolution process under Part 31, Subpart F and Part 30, Subpart L to ensure consistent interpretation of program regulations and policy.

- Headquarters will continue to provide management information systems, including GICS and the Needs to ensure timely and accurate data is available to Regional, State and Indian Tribe managers.

- Headquarters and Regions will work effectively with Indian Tribes, States and the Indian Health Service to implement the EPA Indian Policy, 518(c) set-aside program and the National project priority list funding decisions. They also will continue to assess the capital investment

required for municipal wastewater treatment facilities for the Needs Survey report to Congress.

Regions/States/Indian Tribes

- o States and Indian Tribes will continue to manage active construction grant projects including outlays.
- o Regions will maintain essential levels of oversight of delegated State activities to meet key delegation agreement and performance-based 205(g) grant requirements, including outlays. They also will continue to manage Corps of Engineers Interagency Agreement resources supporting priority construction management activities.
- o Regions and States will continue to provide and maintain timely and accurate program and project information for the GICS System.
- o Regions and States will continue to complete and closeout projects consistent with the State Phaseout Strategies. They will continue to work with the OIG to ensure timely, high quality audit resolution.

11. Municipal Wastewater Treatment Works Pollution Prevention and Infrastructure Protection

The Office of Water Strategy recognizes that a more effective and cheaper solution to the improvement of water quality is to prevent pollution from occurring in the first place. The Strategy sets as a goal to institutionalize pollution prevention and infrastructure protection programs to sustain the water quality gains that have already been achieved.

Through the construction grant program, Federal, State and local governments have invested in excess of $75 billion in the construction of municipal wastewater treatment works. As a result of this investment as well as EPA and State efforts under the National Municipal Policy, municipal compliance with NPDES requirements is high. Maintaining that compliance will be a challenge in the face of: (1) new environmental requirements; (2) greater flows generated by a growing population; and (3) aging physical wastewater treatment plants.

Much of EPA's effort to date has been to ensure that these facilities were properly planned, designed, and constructed. FY 1990 is the final year of Title II appropriation for project funding. In the future, attention will need to shift toward assuring that constructed facilities are well maintained and operated so as to prolong their useful lines and provide for continuing compliance with permit requirements. During FY 1990

EPA will have conducted a series of workshops in cooperation with the States to fully explore how a municipal pollution prevention program should be conceptualized. As a result of those workshops decisions will have been made during FY 1990 regarding the feasibility, scope, and content of state-based pollution prevention programs and guidance will be developed, as appropriate.

In addition, during FY 1991, the emphasis on the State and Indian Tribes operations and maintenance and operator training programs, including expanded financial management assistance, will continue along with special emphasis in assistance to small communities under the Small Community Outreach and Education (SCORE) program.

Headquarters

N o OMPC and OWEP will develop guidance on state-based municipal pollution prevention programs, as appropriate, based on the results of pollution prevention workshops conducted in FY 1990.

o Headquarters will continue to provide national policy and funding guidance, oversee Operations Management Evaluations, provide technical and State program development assistance and coordination, and disseminate information.

o Headquarters will continue funding/coordination of operator training programs under Sections 104(g)(1) and 109(b) of the Clean Water Act, including expansion of these programs to jointly address drinking water and solid waste problems.

o HQ will continue to manage and coordinate the national awards programs for O&M, pretreatment and beneficial use of sludge.

Regions/States/Indian Tribes

o Regions will solicit nominations for awards and make Regional awards in all categories to the extent feasible. They will refer highly qualified nominees to Headquarters for national awards consideration.

+ o The Regions, as part of their FY 1990 midyear self evaluation, will summarize the status of the MWPP initiatives in their States and Indian Tribes.

o States, Indian Tribes and Regions will continue to provide onsite compliance, technical assistance and operator training at small POTWs, i.e., Operations Management Evaluations (OMEs). Based on Headquarters training, they

will conduct expanded financial management/user charge system diagnostic evaluations as appropriate and assist local officials to obtain needed State/private sector assistance.

- o Regions will negotiate and award Section 104(g)(1) operator training grants, participate in negotiations on use of Section 106 and 205(g) grants for O&M activities, and encourage State funding support.

12. Municipal Technology Transfer and Small Community Outreach

The Office of Water Strategy recognizes that EPA's mission is to ensure the sustainability of water resource quality in the future and this depends on EPA acting as a catalyst through municipal technology transfer and SCORE to ensure that gains made in the past continue.

As the construction grant program phases down, municipalities must become more self-reliant in planning, designing, financing and operating their wastewater facilities. They also will be faced with new challenges. These include toxics management (both water and air), sludge management under new regulations, improved CSO and storm sewer pollutant controls, wastewater treatment facilities approaching the end of their design life and financing the full capital cost of new and upgraded facilities without Federal grants. In order to provide cost-effective, affordable wastewater treatment which continues to meet increasingly demanding permit requirements, municipalities and their consultants must have access to the best information on a wide range of topics relevant to municipal technology finance, management and operations.

Transfer of needed wastewater and sludge management information will continue using the existing network of Agency (including Regional and ORD staff) professional, public and private sector participants. One specific initiative in this area is to generate a national discussion leading to a broad consensus on the appropriate roles and responsibilities of EPA, State governments, national associations, academia, the consulting community and equipment manufacturers in conducting the research and developing the technologies necessary to meet the challenges facing wastewater management.

Small communities can least afford to make costly mistakes in their planning, financing or technology selection decisions. Special efforts will continue to be made to assist the small communities through the SCORE program.

EPA believes that States are in the best position to deliver information and provide support to the local officials within their boundaries. Therefore, OMPC will work through the EPA Regional

Offices to assure that each State develops and implements a proactive small community outreach program.

A number of national associations also have an interest in or can provide support to assist small communities with their infrastructure needs. Other Federal agencies, like the USDA, have programs which can provide financial assistance, information and other types of support to small communities. OMPC will continue to identify and work with appropriate national organizations and Federal agencies to enhance our mutual efforts and coordinate State outreach programs.

Headquarters

+ o Headquarters will continue the SCORE program to support Regional and State activities directed towards assisting small communities in the design, construction, financing, management and maintenance of their facilities.

+ o Headquarters will continue to refine its municipal technology transfer initiatives, including the SCORE program.

o Headquarters will establish a working relationship with the Water Pollution Control Federation (WPCF) Research Foundation and other groups that fund and coordinate research, development and demonstration activities.

o Headquarters will continue to identify and work with a wide variety of individuals and organizations who can participate in a municipal technology transfer and a small community outreach network.

o Headquarters will work with the Office of Research and Development to update Municipal Technology Subagreements which address the needs of the network clients including small communities.

o Headquarters will disseminate research and field information concerning new technologies, the emission of air toxics from POTWs and improved toxics removal from POTW effluents, including appropriate assistance and coordination with the RCRA and CERCLA programs through a National Technology Forum, seminars and various publications.

o Headquarters will continue to evaluate selected sludge management technologies for beneficial use, support sludge management workshops, and the sludge beneficial use awards program.

+ o The Office of Municipal Pollution Control and the Office of Drinking Water in EPA Headquarters will continue to coordinate technical assistance efforts, especially under SCORE.

o Headquarters will encourage public/private partnerships as a means of meeting local environmental infrastructure needs.

o Headquarters will continue to fund and manage the National Small Flows Clearinghouse at West Virginia University.

o Headquarters will continue to finance the development and initial implementation of new and innovative State approaches to outreach through incentive grants and demonstration grants.

o Headquarters, with participation of the Regions and States, will continue to implement the Action Plans developed in 1989 to support the Agency's National Coastal and Marine Policy.

Regions/States/Indian Tribes

o Regions will continue to work with Headquarters to identify and develop working relationships with additional individuals and organizations who can participate in municipal technology transfer and small community outreach networks.

o Regions and States will support the identification, evaluation and dissemination of selected treatment technologies for of removal of conventional and toxic pollutants, recycle and reuse of wastewater and sludge, improved capital and O&M cost-effectiveness and improved operability and maintainability. (Ongoing)

o Regions and States will continue their efforts to promote beneficial uses of sludge, including participation in the sludge beneficial use awards program. (Ongoing)

o Regions will develop agreements between their water supply and wastewater treatment units in outlining how they will cooperate in outreach, technology transfer and technical assistance.

o Regions, States and Indian Tribes will continue to develop and implement small community outreach programs.

IV. REGIONAL INITIATIVES

Each Region may propose to the Office of Water for discussion environmental initiatives which the Region would like to carry out in FY 1991. These initiatives should offer specific solutions or approaches for achieving the environmental goals and results outlined in the Office of Water Strategic Plan.

For each initiative that anticipates an adjustment, by mutual agreement, to the commitment for a STARS measure, the Region should describe how such adjustment is expected to improve water quality, and indicate that it lacks the flexibility to pursue the initiative within its operating plan resource levels. We plan to accommodate this new flexibility in our FY 1991 STARS commitment negotiation process.

OFFICE OF DRINKING WATER
FY 1991 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
PWSS Program	
Annual PWSS Enforcement Agreement Guidance	April 1, 1990
STARS/OWAS Reporting Guidance	April 1, 1990
New SNC Definition	April 1, 1990

OFFICE OF GROUND-WATER PROTECTION
FY 1991 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
1. Annual Guidance for State Ground-Water Protection Grants Funds by Section 106 of the Clean Water Act	4/1/90
2. Guidelines for Activities Under 319(i) of the CWA	9/1/90

OFFICE OF DRINKING WATER
FY 1991 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
UIC PROGRAM	
1. Annual UIC Enforcement Agreement Guidance	4/1/90
2. SPMS Reporting Guidance	4/1/90
3. UIC Data Management Guidance	7/1/90
4. Class IV Enforcement Guidance	4/1/90

OFFICE OF MARINE AND ESTUARINE PROTECTION
FY 1991 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
Coastal Management Demonstration Project Guidance	09/30/90
Monitoring and Data Management Guidance for Marine/Ocean Waters	12/31/90
Ocean Dumping Site Designation, Monitoring, and Management Guidance	12/31/90
CWA 301(h) Permit Reissuance Guidance	03/31/91
Sediment Analytic Methods and and Bioaccumulation Analysis Guidance	03/31/91
CWA Section 403(c) Ocean Discharge Criteria Guidance	09/30/91

OFFICE OF WATER REGULATIONS AND STANDARDS
FY 1991 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
National Guidance, Water Quality Standards for Wetlands	Draft, 4-1-90
Biological Criteria Program Guidance Document	4-1-90

OFFICE OF WATER ENFORCEMENT AND PERMITS

SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
Sludge Case-by-Case Guidance	December 1989
Guidance for Developing Control Authority Enforcement Response Plans	January 1990
Storm Water Designation Guidance	March 1990
Guidance on Local Limits Development: PRELIM	March 1990
Guidance on CSO Control Mechanisms	March 1990
Guidance for Calculation of Economic Benefit by Control Authorities	April 1990

OFFICE OF MUNICIPAL POLLUTION CONTROL
FY 1991 PROGRAM SUPPLEMENTAL GUIDANCE

GUIDANCE	PUBLICATION DATE
None.	

Office Of Solid
Waste And
Emergency Response

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

I. ASSISTANT ADMINISTRATOR'S OVERVIEW

This section of the Agency Operating Guidance for FY 1991 addresses the Agency's goals, objectives, and program priorities for effective implementation of the national solid and hazardous waste, underground storage tank, and chemical emergency preparedness and prevention programs. In implementing these programs, the Office of Solid Waste and Emergency Response (OSWER) addresses requirements found in:

- The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA);
- The Chemical Emergency and Community Right-to-Know Act, also know as SARA Title III;
- The Resource Conservation and Recovery Act (RCRA) Subtitles C and D, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA);
- RCRA Subtitle I, which mandates the underground storage tank management and leaking underground storage tank cleanup programs; and
- RCRA Subtitle J, otherwise known as the Medical Waste Tracking Act of 1988.

All of OSWER's FY 1991 priorities build toward implementation of OSWER's strategic plan for FY 1992 - 1995. OSWER's Superfund priorities for FY 1991 also reflect the findings and recommendations presented in the Administrator's recent Management Review of the Superfund Program. OSWER's RCRA priorities in this operating guidance do not include the recommendations of the Assistant Administrator's RCRA Implementation Study since the study was not finished at the time this guidance went to press. This operating guidance does not replace any of the above documents but provides the guiding principles and priorities for effective implementation of OSWER programs.

We expect Congress to reauthorize the Clean Air Act in 1990. The reauthorized act is likely to include new requirements for the Chemical Emergency Preparedness and Prevention program. Because Congress had not yet passed the legislation at the time this guidance went to press, we were unable to include any of the new requirements in this guidance. In a similar vein, in FY 1991 we will work toward reauthorization of RCRA and CERCLA, both of which are slated for reauthorization in the early 1990's. Future versions of OSWER's strategic plan and operating guidance will contain implementation guidance for the reauthorized programs.

Superfund Program Highlights

The Superfund Management Review and resulting Implementation Plan present a comprehensive statement of program philosophy for Superfund. This philosophy, embodied in a new, long-term Superfund strategy, provides a clear direction for the management of Superfund resources to achieve the greatest environmental improvement possible from a combination of Federal, State, and private party funds. Detailed milestones for implementing the 50 recommendations in the Management Review are listed in the Implementation Plan, as well as in the Superfund Management Review Tracking System. OSWER activities and priorities in the FY 1991 operating guidance help fulfill the long-term strategy, and can be summarized as follows:

- Address worst sites/worst problems first. EPA will concentrate resources on the worst sites and the worst problems first. One of the most important goals for FY 1991 is to make sites safer by controlling acute threats immediately and reducing near-term risk to public health. After abating the immediate threats, the Agency will schedule incremental steps to clean up sites over time, expending resources first on problems posing the most serious risks to human health. The Agency has begun the process by ranking those Fund-financed projects that are ready for construction on the basis of public health and environmental criteria. In the face of a limited construction budget, this process will ensure that the worst problems are addressed first. Timeliness and consistency of input should be stressed in achieving this goal of addressing worst sites first.

- Emphasize an integrated Fund/enforcement program to induce private party cleanup. The Agency will use the fact and the threat of enforcement, which encompasses a broad range of administrative and legal tools, to increase the proportion of cleanups undertaken by private parties. Trust Fund resources will be used primarily for sites where potentially responsible parties (PRPs) cannot be identified and/or located. To meet these goals, EPA will improve case management and support procedures, strengthen PRP oversight functions, maximize cost recovery efforts to return revenues to the Fund, and encourage States to play an increased role in the Superfund enforcement process.

- Enhance community outreach efforts. OSWER is dedicated to expanding and enhancing public participation opportunities during all phases of Superfund response. We will strive to remain in contact with concerned citizens at each site, and involve citizens more fully in cleanup decisions, including sites at which PRPs have taken the lead. We also will undertake a national effort to inform the public of the Superfund program and its achievements through the development and use of new, innovative communications and educational tools.

- Seek new technologies for more effective cleanup. EPA will develop, encourage the development of, and use new technologies to address contamination of all environmental media. In this effort, the Agency will expand its research and provide more comprehensive field support for the development and use of treatment technologies that promote permanent solutions. We also will provide extensive technical assistance and information transfer to site managers to make the best use of available information.

- Improve efficiency of program operations. In FY 1991, OSWER will strive to improve the efficiency of program operations through: 1) finalizing key program guidance concerning Records of Decision (RODs), compliance with other environmental laws, and ground water treatment; 2) integrating response and enforcement functions; 3) pursuing integrated and flexible planning for remedial actions to meet remedial pipeline mandates; 4) clarifying the roles of response personnel; 5) providing response personnel with additional technical and administrative guidance and tools so that they can better carry out their duties; and 6) making good use of removal authority to conduct certain high-priority remedial work.

- Focus on environmental indicators and construction initiation and completion. In FY 1991, OSWER will continue to refine the environmental indicators of program progress, with continuing emphasis on achievement of site goals by media, elimination of imminent hazards, and indications of amounts of waste treated, contained or removed. The program will continue to focus on the remedial design and remedial action start and completion aspects of the remedial pipeline, with specific emphasis on the design completion aspects of the program, to ensure projects are available for remedial action funding or start.

In conducting all Superfund activities, OSWER will encourage the participation of Indian Tribes, State agencies, other Federal agencies and departments, and EPA's other program offices. We are committed to sharing information, technical expertise, and the benefits of field experience with all of the above-listed parties. Realizing that State agencies and other natural resource trustees play a significant role in the Superfund process, the Agency will build solid working relationships with these organizations, as well as the Agency for Toxic Substances and Disease Registry (ATSDR), to ensure the process is working as efficiently and cooperatively as possible.

OSWER believes the Superfund goals and priorities presented in this operating guidance are responsive to public concerns and expectations and focus the Agency's attention on timely cleanup of sites through setting and managing environmental priorities while maximizing the use of Fund resources. In this way, we will effectively and efficiently achieve our environmental goals.

RCRA Program Highlights

In FY 1991, OSWER will witness significant progress in implementation of the RCRA program. The hazardous waste program will complete the majority of the waste management regulations mandated by HSWA. With the framework of the hazardous waste program in place, OSWER believes that FY 1991 is the appropriate time to expand the concept of planning based on environmental significance.

In past fiscal years, the RCRA program has used the concept of environmental significance to determine the most appropriate action (permitting, enforcement, corrective action) at the most appropriate facility (i.e., the concept of worst sites first). In FY 1991, the RCRA program will apply environmental significance to the full array of program activities thus ensuring that Regions and States select the most appropriate mix of activities for their environmental needs. The guidance retains the concept of national priorities, but Regions and States are encouraged to examine each of these in light of environmental significance and to plan their activities accordingly, keeping in mind the need to maintain a core level of activity in each.

Finally, the FY 1991 guidance continues the concept pioneered by the RCRA program of encouraging Regions and States to identify Regional and State priorities which differ from the national priorities and by allowing up to 15% of RCRA resources to be devoted to those State or Regional priorities which yield significant health or environmental benefits. In recognition of the limited resources available for waste minimization and Subtitle D, the FY 1991 guidance singles out these areas for special consideration for resource tradeoffs.

As to other topics, building State program capabilities will continue to receive strong emphasis. The municipal solid waste program will see its first regulations take effect and will provide technical assistance to States, Indian Tribes (or authorized tribal organizations, or Alaska native village organizations), and local governments to assist in implementation of the regulations. Also, waste minimization activities will be in high gear.

We are unable to state what affect the RCRA Implementation Study will have on specific RCRA program activities in FY 1991 since the study was not finished at the time this guidance went to press. However, it is clear that general RCRA program activities for FY 1991 will:

- Increase compliance with hazardous waste regulations through permitting and enforcement. FY 1991 will mark completion of the majority of RCRA's core, hazardous waste management regulations. The final land disposal restrictions were completed in FY 1990, and the organic toxicity characteristic and boiler and industrial furnace regulations should be completed in FY 1991. Our facility permitting, enforcement,

and corrective action programs will emphasize environmental priorities in addressing those sites that present the greatest threat to human health and the environment. We will also strive to strike the appropriate balance between the prevention and the clean-up of hazardous waste releases at RCRA facilities. Finally, we will continue to work with States and Indian Tribes, providing guidance and training to increase their technical capabilities for administering the hazardous waste program.

- Strengthen support for municipal solid waste management. EPA's role in municipal solid waste management will continue to expand in FY 1991. Following through on the "Agenda for Action" published in FY 1989, we will provide technical assistance to States and Indian Tribes for implementing and enforcing the municipal landfill criteria, which will take effect in FY 1991. While we will continue to rely on States, Tribes and local governments to implement municipal solid waste initiatives, we will provide them with technical assistance, guidance, and training, as resources permit, to encourage proper solid waste management planning and appropriate source reduction and recycling measures.

- Emphasize waste minimization to reduce the volume and toxicity of wastes generated. Consistent with the Agency's emphasis on pollution prevention, RCRA waste minimization activities will continue to expand in FY 1991. We will increase our data collection on hazardous waste minimization and progress. We will continue to identify ways to create incentives (and remove disincentives) for waste minimization through policy development, including regulatory and non-regulatory approaches. We also will continue to provide information exchange and disseminate educational materials on successful waste minimization techniques.

UST Program Highlights

As in previous years, in FY 1991 the Underground Storage Tank (UST) program will continue to rely on State and local implementation of the national underground storage tank program. The goal of the national UST program is for all States to operate continuously improving UST regulatory programs that are no less stringent than EPA's regulations. To achieve its goals of effective regulation of USTs and prompt cleanup of leaks, the program will work in FY 1991 to build State capabilities for implementing effective regulatory and cleanup programs. The major UST program activities for FY 1991 are to:

- Increase the number of operational regulatory and cleanup programs in States, localities, and Indian Tribes. We will work with Regions and States on State applications for UST program approval. In those States without approved programs, we will continue to promote compliance with Federal regulatory requirements. In States that have approved programs we will

focus on improving program performance. OSWER will implement an appraisal process to evaluate the status, performance, and direction of the UST program in Headquarters, Regions, States, and Indian Tribes (or authorized tribal organizations, or Alaska native village organizations).

- Ensure funding is available for corrective action. In FY 1991, OSWER will develop policies, procedures, and evaluation methods to ensure the Leaking Underground Storage Tank (LUST) Trust Fund is used efficiently for enforcement and corrective action at LUST sites. In this effort, we will renegotiate and oversee Cooperative Agreements and determine and manage LUST Trust Fund allocations to the States.

- Provide technical support to State implementation. OSWER is dedicated to enhancing its national UST communication network and will continue to provide meaningful information exchange. Specifically, we will coordinate and provide outreach materials that address requirements for financial responsibility, release detection, and LUST corrective action. EPA Regional offices will continue to serve as field or service representatives to assist States and to resolve program implementation problems as they arise.

The activities outlined above will build on the past successes of the UST program.

CEPP Program and General Preparedness Highlights

A critical component of the OSWER's programs is the prevention of chemical emergencies by encouraging State Emergency Response Commissions (SERCs), Indian Tribes, and Local Emergency Planning Committees (LEPCs) to prepare for and respond to emergencies when they do occur. To date, the CEPP Program has completed the regulations required by Title III of SARA. The continuing emphasis in FY 1991, therefore, will be threefold:

- Provide the tools that SERCs, Indian Tribes, and LEPCs use to implement, review, improve, exercise, and communicate their emergency planning and response activities. In this effort, we will provide technical assistance, guidance, training and computer applications for hazard analysis and emergency planning.

- Continue efforts to determine causes of chemical accidents and ways to prevent them -- sharing information on prevention technologies and practices with Regions, SERCs, Indian Tribes, LEPCs, Federal agencies, and the private sector -- and encouraging their initiatives in this area. In this effort, we will continue, through the Accidental Release Information Program and Chemical Safety Audit Program, to gather and analyze information on accidental releases and prevention methods and to share this information with SERCs, Indian Tribes, LEPCs, and national organizations.

- Emphasize compliance with Title III reporting requirements and take timely and appropriate enforcement action in cases of noncompliance. Our enforcement program will seek to combine Title III enforcement actions with those pursued under CERCLA section 103 whenever practical. The program will also work with States to establish enforcement priorities, to establish referral procedures, and to share information on potential non-compliers. In FY 1991, we will finalize additional administrative hearing procedures, guidance on settlements and an enforcement response policy.

As one of the 25 Federal departments and agencies participating in the Plan for Federal Response to a Catastrophic Earthquake, the Agency serves as the primary Agency leader for Emergency Support Function #10: hazardous materials, which includes chemical, oil, and radiological hazards. Our primary responsibility for FY 1991 will be to provide technical guidance, assistance, and training and to review draft Regional risk area plans. In addition, EPA will provide overall program development, coordination, management, and training for the National Security Emergency Preparedness Program.

II. ENVIRONMENTAL PROBLEM AREAS

A. ADDRESS HAZARDOUS SUBSTANCE EMERGENCIES AND CLEAN UP UNCONTROLLED HAZARDOUS WASTE DISPOSAL SITES

1. Overview of the National Strategy

The Superfund Management Review conducted in FY 1989 established a commitment to bring about a new culture in the Superfund Program and a readiness to deal with several program initiatives, all of which impact program activity in FY 1991. The general program themes include:

- o Addressing worst/sites problems first
- o Integrating Fund/enforcement planning and budgeting activities
- o Emphasizing enforcement first to induce private party cleanup
- o Working with States to define their role and improve their capability
- o Enhancing community outreach efforts
- o Seeking new technologies for more effective cleanup
- o Improving efficiency of program operations.

The numerous activities of the Superfund program include: (a) focus attention on worst sites/problems first; (b) support an integrated Fund/enforcement pipeline of activities that emphasizes enforcement first; (c) maintain a strong CERCLA enforcement program; (d) coordinate Superfund activities to improve attainment of statutory and legislative objectives, beginning with National Priorities List (NPL) listing and concluding with NPL deletion (e) enhance cooperation between CERCLA and RCRA cleanup programs; (f) make good use of removal authorities; (g) enhance community outreach efforts; (h) progress toward SARA Site Investigation (SI) goal; (i) develop streamlined site evaluation process that meets SARA requirement of four years (j) identify, evaluate, and list sites on the NPL; (k) promulgate regulations that articulate remediation standards and selection of remedy procedures; (l) maintain and improve Federal/State and Tribal relations; (m) strengthen existing or where appropriate implement new remedial and removal management techniques; (n) improve retention, preparation, and recruitment of key site cleanup personnel, particularly On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs), through the OSC/RPM Support Program; (o) maintain efforts in the oil spill program; (p) implement CERCLA response actions at Federal facilities; (q) conduct research that improves risk assessment capabilities and risk reduction technologies in the response program; (r) ensure appropriate information resources management; (s) continue to

assess treatment and disposal capacity needs through SARA section 104(k); (t) provide hazardous substance response training; (u) promulgate reportable quantities; and (v) ensure high quality analytical data for decision making.

In addition to these programmatic activities, EPA's implementation of the National Contingency Plan (NCP) and the Hazard Ranking System (HRS) as well as response to issues raised during CERCLA reauthorization will generate many other activities.

2. Major Activities

a. Focus Attention on Worst Sites/Problems First

(1) Overview of the Activity

In this resource constrained program, effort will continue on addressing worst site problems first and prioritizing pipeline activities. The goal of the program will be to fund the most environmentally significant projects first, considering which sites have viable PRPs to conduct cleanup themselves, while maintaining a balance of statutorily required actions and highly-visible ongoing projects and completions that build public confidence in the program. The Fund/enforcement priority matrix will continue to be applied to identify overall program priorities. The removal program will continue to ensure all NPL sites are stabilized and will continue to address classic emergency responses at both NPL and non-NPL sites. The remedial action (RA) prioritization approach established in FY 1990 will continue to be applied in FY 1991. Effort will be undertaken to examine ways to prioritize other parts of the remedial pipeline.

(2) Headquarters Activities

Refine the Fund/enforcement priority matrix.

P+ Develop guidance for undertaking removal actions and early remedial actions at NPL sites.

P+ Refine the RA prioritization criteria and coordinate RA priority activities.

P Develop guidance through the FY 1991 Program Management Manual for prioritizing other remedial pipeline activities.

P Negotiate final targets with Regions that implement Superfund priority approaches.

P Work with ASTSWMO to develop meaningful role for States in prioritization activities.

(3) Regional Activities

P+ Ensure all NPL sites are stable.

P+ Undertake remedial and enforcement activities consistent with priority approaches.

P+ Apply RA priority criteria and ensure projects are readied for beginning construction.

P Work with Headquarters to clarify prioritization issues.

Coordinate planning, prioritization, and implementation activities with States and Indian Tribes.

Continue to work with Headquarters, to develop appropriate guidance for addressing worst sites first.

(4) State and Tribal Activities

As appropriate, work with Regional and HQ's offices to implement guidance and directives addressing worst sites first activities, including prioritization of sites/problems.

b. Support an Integrated Fund/Enforcement Pipeline of Activities that Emphasizes Enforcement First.

A major theme of the Superfund Management Review is the importance of sustaining a well-integrated strategy that yields high-caliber, timely decisions to move sites through the response process. Maximizing PRP participation is critical to keeping the pipeline going. To make this balance work well, the importance of several broad management systems and principles is emphasized and articulated in detail.

Several of these systems are fundamental to continued program improvements in FY 1991. They include the:

- o Integrated priority-setting matrix, which establishes general program priority setting in the event of scarce resources, and ensures that the highest program priorities (i.e., emergencies, moving sites through to construction with PRPs first) are supported fully.

- o Integrated remedial action timeline, which establishes clear goals for the nature and timing of enforcement decisions and the speed with which the remedial process should move, and identifies critical points at which action must be taken.

- o Site/case management planning process, which ensures that a coherent site strategy is developed agreed to by managers, and carried out.

c. Maintain a Strong CERCLA Enforcement Program

(1) Overview of the Activity

Within the context of a well-integrated Superfund program, the goals of enforcement are to increase the number, timeliness and caliber of PRP response actions, to maximize cost recovery to the Trust Fund, and to send a clear message to the PRP community that recalcitrance is costly. Achievement of those objectives depends on a balanced approach consisting of settlements, administrative orders and litigation, Fund-financed response and cost recovery.

The following are enforcement priorities for FY 1991: 1) conducting more thorough and effective PRP searches; 2) reaching settlements for PRP response through adherence to negotiation deadlines and use of CERCLA settlement tools; 3) ensuring high-caliber PRP participation through effective PRP oversight and use of enforcement authorities for noncompliance; 4) pursuing non settlers through issuance of orders and litigation; 5) pursuing cost recovery, particularly focusing on remedial costs; and 6) supporting State participation in the enforcement process. Through implementation of these priorities, EPA will maintain its strong enforcement program which will continue to evolve such that PRPs are performing an increasing proportion of the response work at all steps in the process.

Expectations are that the continued use of these management guides will produce substantial improvement in the speed and consistent quality of remediation.

PRP Search/Compliance Enforcement

A high-caliber PRP search is the foundation for EPA's enforcement process. It must focus on obtaining the necessary evidence of liability for section 106 and 107 litigation for all potentially liable parties. Regions should continue to focus PRP search efforts to support planned and ongoing response negotiations, public participation in response decisions, and enforcement actions. In some cases additional work will be required to supplement the original PRP search to enhance EPA's case against the PRPs. Regions should continue to strengthen their emphasis on early and thorough PRP searches with the assistance of civil investigators. This must be balanced against the need for a timely search. Furthermore, in selected cases of noncompliance with information requests issued under section 104 (e), Regions should move aggressively through administrative authorities, including if necessary, litigation to enforce compliance. Regions should also consider opportunities for use of criminal sanctions from violations of section 103 (reportable quantities).

Settlements

EPA's goal is to negotiate an agreement with PRPs to conduct the response action and 100 percent of recoverable response costs

within SARA-mandated negotiation deadlines at Superfund sites. In general, it is more effective to mobilize PRP resources up front to conduct the cleanup, rather than using the Fund and recovering the cost later. To facilitate the Remedial Design/Remedial Assessment (RD/RA) settlement process, a model consent decree should be issued with the special notice letters. In multi-party actions, if a 100 percent settlement is not possible, Regions should attempt to reach partial settlements for close to 100 percent and vigorously pursue non-settlers.

Regions should continue to negotiate vigorously and employ all the settlement tools at their disposal. Mixed-funding settlements are encouraged in appropriate cases. Regions should give heightened emphasis to de minimis settlements. Regions should continue to train their staff on how to utilize these tools. While it is difficult to predict which sites may require mixed-funding or may be de minimis candidates, Regions should increase use of these settlement tools. Use of non-binding allocations of responsibility (NBARs) and alternate dispute resolution (ADR) may also facilitate the settlement process. The Regions and Headquarters should continue to work with the Department of Justice (DOJ) to expedite the entry of consent decrees.

Section 106 Orders and Litigation

Regions should be prepared to issue a Unilateral Administrative Order (UAO) promptly after the negotiation moratorium deadlines if there are viable PRPs and a settlement has not been reached. Regions must consult with Headquarters if the decision is made not to issue a UAO prior to proceeding with the Fund for remedial design. If PRPs fail to comply with a UAO, Headquarters expects serious consideration be given to bringing a section 106 judicial action to enforce it. It is particularly important if sites are queued for RA funding in FY 1991 to reexamine opportunities for litigating for remedy. If a Fund-financed response is initiated, all steps should be taken to seek treble damages against recalcitrant PRPs during cost recovery.

PRP Oversight and Compliance Enforcement

Following settlement or professed intent by a PRP to comply with a unilateral section 106 action, the Region must ensure PRP compliance with the terms of the settlement. As part of the settlement process, Regions should work closely with PRPs to make it clear the standards of quality EPA anticipates. EPA must ensure that PRP responses are timely, thorough, and do not compromise environmental goals. Regions should pursue penalties and may take over projects in situations where PRPs clearly have not submitted major deliverables of acceptable quality by the dates specified in the administrative order or consent decree.

Cost Recovery

Cost recovery actions serve to recover revenues to the Fund and encourage voluntary PRP cleanup action by eliminating incentives for PRPs to allow the government to conduct the response action. One of the major program activities from FY 1991 will be the development of cost recovery rulemaking covering all eligible costs. To support cost recovery actions, the Agency must have quality PRP searches. Activity and cost documentation must be able to withstand challenges to the response decision on the grounds that the decision was arbitrary and capricious based on the administrative record. The President has set a goal of recovering $300 million per year by FY 1993 in his Management by Objective (MBO) system.

To reach the President's MBO goal, Regions should continue to: 1) maximize return of revenue by concentrating on cases that will increase the revenue to the Fund, 2) initiate litigation or resolve cases within strategic timeframes but no later than the time provided under the statute of limitations (SOL), 3) initiate cost recovery actions against recalcitrant parties, 4) increase emphasis on administrative cost recovery (including ADR) wherever possible to resolve cases without recourse to litigation, and 5) pursue actions that maximize timely site cleanup. Demand letters should be issued in a timely fashion. Critical cost recovery cases are those that have completed removals, RI/FS, or RD completions that will not have remedial action (on-site construction) started before the end of FY 1991. Pre-SARA RA starts should be scrutinized for possible SOL problems. Regions should move expeditiously to address their cost recovery RA starts should be scrutinized for possible SOL problem backlog.

Removal Enforcement

Regions should work to maintain the percentage of removals conducted by PRPs, particularly time-critical and non time-critical removals. In this effort, improved planning should enable the Regions to commence PRP searches earlier, which will increase the number of sites with viable PRPs. In turn, the number of sites where unilateral orders are appropriate will increase.

State Participation

States will continue to play an important role in the Superfund enforcement process. There are several workgroups working to better define State roles including the Senior Policy Forum. Particular guidance on State roles will be developed as issues are resolved. Regions are encouraged to enter into Cooperative Agreements, Superfund Memoranda of Agreement (SMOAs) or other management assistance agreements where the State expects to play a significant role. These agreements should clearly define State and EPA roles and responsibilities during CERCLA response activities. In many cases Regions will provide review of and/or sign the Record of Decisions (RODs) at State enforcement lead

sites. These RODs are critical to meeting the statutory goal of 200 additional RA starts by 1991. Finally States will continue to participate in remedy selection and RD/RA negotiations. State applicable or relevant and appropriate requirements (ARARs) should be addressed in the ROD. States should be involved in the settlement process to ensure their concerns are addressed consistent with SARA and the NCP.

(2) Headquarters Activities:

P+ Develop cost recovery rulemaking, policy implementation and revision, as required.

P Develop stronger support systems (e.g., better information management, Technical Assistance Teams, etc.).

P Promote stronger communication with the public.

P Develop a strategy to enhance State involvement in the enforcement process.

P+ Work with Regions in developing guidance and directives.

(3) Regional Activities:

P+ Expedite the settlement process through adherence to negotiation deadlines, leveraging the Fund, increased use of UAOs, use of mixed-funding and de minimis settlements and NBARs.

P+ Maintain effective PRP oversight through close review of PRP work products and use of stipulated or statutory penalties.

P Complete section 120 interagency agreements (IAGs) at Federal facility NPL sites for investigation and remedial actions.

P+ Proceed with cost recovery actions, where appropriate, focusing on SOL, large cost remedial cases and small case (removal) cost recovery.

P+ Work with the States in the remedy selection and RD/RA negotiation process.

P Work with States to enhance the effectiveness of the enforcement program through use of State enforcement authorities where appropriate.

P+ Work closely with Headquarters in the development and review of enforcement guidance and directives.

d. Coordinate Superfund Activities to Improve Attainment of Statutory and Legislative Objectives, Beginning with NPL Listing and Concluding with NPL Deletion

(1) Overview of the Activity

Section 116 of SARA includes a number of goals and mandatory schedules for activities related to the remedial program. Specifically, EPA is required to initiate substantial and continuous on-site new remedial actions at 375 NPL sites by October, 1991. Given constraints in the RA budget, enforcement potential continues to be significant in FY 1991. We must continue to negotiate vigorously at every site where there are viable PRPs. In continuing to adhere to an enforcement first program and the integrated timeline concept, prompt issuance of special notice is extremely important. Vigorous settlement negotiations should be undertaken; however, when a good faith offer has not been given or negotiations become bogged down, negotiations should be discontinued and a section 106 order and/or funded design should be pursued.

In their integrated planning for remedial actions, Regions should consider the universe of sites where remedial actions may begin: 1) sites where remedial actions are undertaken by PRPs pursuant to a settlement, (2) sites with remedial actions that are funded, (3) sites where section 106 injunctive litigation is initiated, and 4) sites with Remedial Designs (RDs) completed and Remedial Assessments (RAs) not funded (queued). When no viable PRPs are identified or settlements cannot be reached and the site is not ranked high enough on the environmental priorities list to receive remedial action funds to implement the remedy, the Regions should still continue to actively move the project towards completion of the remedial design phase. By completing remedial designs for unfunded RA projects, there will be a queue of potential projects for implementation as future funds become available.

(2) Headquarters Activities

- Evaluate Regional performance towards meeting remedial pipeline mandates and hold EPA line managers accountable for managing the program in accordance with primary mission.

- Assist Regions in meeting remedial pipeline mandates by negotiating appropriate targets.

- Maximize Regional flexibility in shifting funds among sites, within Congressional constraints and notification requirements.

- Provide policy and technical assistance to Regions, emphasizing treatment for projects in the remedial pipeline.

- Promote consistency in remedy selection and emphasize statutory preference for permanent remedies, compliance with statutory mandates, and appropriate consideration of data.

(3) Regional Activities

P Identify, evaluate, and list sites on the NPL.

P Focus on use of innovative treatment technologies in remedy selection decisions and performance of treatability studies during remedial investigations/feasibility studies (RI/FSs) to support technology evaluation.

Conduct reviews of all sites where hazardous substances remain on site at least once every five years. Under this SARA requirement, some sites will first come due in FY 1991.

Enter into SMOAs with States for participation in RI/FS, RD, or RA projects, where appropriate.

(4) State/Tribal Activities

Work with Regions to ensure progress toward meeting mandatory remedial pipeline targets.

Use project management techniques to ensure timely movement of State-lead projects through the remedial pipeline.

e. Enhance Cooperation Between CERCLA and RCRA Cleanup Programs

(1) Overview of the Activity

Strong efforts should be made to facilitate cooperation between the CERCLA response program and the RCRA corrective action program to enhance EPA's ability to achieve its primary goals of protecting human health and the environment. This will contribute to more flexible and effective use of Federal and State resources, discourage "forum shopping" by owners/operators and other responsible parties, and avoid duplication of effort for RCRA facilities that become CERCLA sites. The implementation of RCRA and CERCLA programs need not be identical, though the ultimate remedies selected should be equally protective of human health and the environment. However, inconsistencies in implementation may result from differences in statutes, underlying programmatic differences, or differences in the site being addressed. We will coordinate carefully to avoid "forum shopping".

(2) Headquarters Activities

P+ Implement the Environmental Priorities Initiative (EPI) policy and guidance to enable the Agency and States to conduct preliminary assessments and site inspections (PAs/SIs) at priority RCRA storage and treatment facilities and closed or closing land disposal and incinerator facilities.

P Define a specific moratorium period similar to that under CERCLA, whereby the owner/operator will have a set period during which they have the opportunity to reach an Administrative Order

on Consent to perform corrective action. If the owner/operator does not agree to such a consent order within that moratorium period, the next step should be an enforcement action or permit revocation.

Develop guidance to enable the Agency to recover the costs of performing RI/FSs at RCRA sites pursuant to section 107 of CERCLA.

P Develop a RCRA/CERCLA strategy for cleaning up contaminated media.

P Prepare a RCRA land disposal regulation for contaminated soil and debris.

Implement State and Tribal integration programs.

Begin development of soil cleanup levels where applicable or relevant and appropriate requirements (ARARs) do not exist.

Explore the creation of a treatability variance information exchange mechanism whereby Regions can identify sites and conditions where variances have been issued.

(3) Regional Activities

P Develop priorities for RCRA and CERCLA sites to determine which sites are to be addressed first.

P Develop NPL listing proposal packages for sites where owners/operators fail to take action during the moratorium period.

P Supplement Headquarters efforts to clarify issues.

Implement treatability variances, where appropriate, for soil and debris in FY 1991 RODs.

P Coordinate State efforts to comply with regulations.

(4) State and Tribal Activities

Evaluate processes established by the Regions to quickly identify State standards on a site-by-site basis and adjust as required.

Implement response activities to meet the established standards and processes.

f. Make Good Use of Removal Authorities

(1) Overview of the Activity

The objective of the removal program is to respond to incidents or sites involving releases of hazardous substances that present an imminent threat to human health and the environment. However, the program does not have the resources to deal with all contamination within the scope of removal authority. Consequently, the program must focus on efficient responses to the most serious human health and environmental threats. Top priority should be given to:

- o Classic emergencies involving incidents (e.g., threats of fire or explosion) where response is generally necessary within a matter of hours.
- o Time-critical removals at sites on the NPL, to make these sites safe from immediate threats while they await remedial action.
- o Time-critical removals at non NPL sites posing major health and environmental threats, which cannot be addressed by other authorities.

Regions should actively pursue response by PRPs by issuing administrative and, where necessary, unilateral orders. If the PRP option is not available, State involvement should be sought. Wherever possible, removal actions should be conducted using site-specific contracts and subcontracts. Consideration should always be given to the use of alternative technology, but only where the cost is reasonable given the resources available. Removals should not be taken at NPL sites merely to complete a first operable unit or to avoid remedial State cost share requirements. Removal authority, however, can sometimes be used to expedite cleanup leading to deletion.

(2) Headquarters Activities

P Continue to explore opportunities for increasing the number of contractors participating in the removal program while attempting to obtain better cost rates for the government.

Provide site-specific problem-solving consultations and technology transfer through the Environmental Response Team (ERT).

(3) Regional Activities

P Continue to identify appropriate emergency and time-critical NPL sites and non-NPL sites requiring removal action and conduct efficient and effective removal actions.

(4) State and Tribal Activities

Conduct removal actions whenever possible.

P Assume responsibility for traditional State and local responsibilities, such as installing water lines and paving roads.

g. Enhance Community Outreach Efforts

(1) Overview of the Activity

EPA must increase efforts to improve public confidence and initiate dialogue with national interest groups and local community groups. Community involvement and public education efforts are critical elements of our hazardous waste programs. Well-planned community relations efforts have become standard operating procedure for EPA and State agencies responsible for Superfund actions. The focus of activity should be on the Superfund Management Review mandate to listen and respond to community concerns, the ongoing implementation of the SARA provisions and the NCP, full-scale implementation of the Technical Assistance Grants (TAG) program, as enhanced by revisions to the interim final rule, developed the next phase of environmental progress indicators, and involve the public in site identification and assessment.

(2) Headquarters Activities

P Develop an outreach program to involve a variety of interest groups in dialogue over national program directions.

N Revise existing community outreach guidance to reflect final NCP and program experience.

N Develop new outreach guidance for pre-remedial, removal actions, and design/construction/O&M.

N Develop new communications tools, as identified by Headquarters and the Regions, to improve the general public's confidence and site-specific community understanding of EPA's response programs, requirements and activities relating to risk reduction at Superfund sites.

P+ Develop the next phase of environmental indicators to present publicly the qualitative results of removal and remedial cleanup activities.

Continue to develop generic fact sheets.

P Provide assistance to Regional offices to implement the TAG program. Revise TAG guidance and outreach programs to implement revised interim final regulation.

Continue to foster information exchange using program activities such as national meetings and conference calls.

(3) Regional Activities

P Coordinate a Regional dialogue, regarding national program issues, with Regional interest groups and local affected communities.

P Implement, with the States, the TAG program mandated by SARA.

P Educate technical program staff on the importance of community outreach, and provide training on requirements and techniques for communicating with the public.

P+ Provide site-specific information on environmental indicators of removal and remedial cleanup activities.

(4) State and Tribal Activities

N Implement TAG program.

N Educate technical staff on community outreach techniques and communication tools.

h. Progress Towards SARA Site Investigation (SI) Goal

(1) Overview of Activity

Continue progress towards eliminating pre-SARA SI backlog before the reauthorization of SARA.

(2) Headquarters Activity

P+ Issue annual site assessment program objectives emphasizing need to give priority to pre-SARA sites needing SIs, within the bounds of "worst sites first."

P Focus regional resources towards evaluating inventory pre-SARA SI sites.

P Provide more detailed guidance to allow for better decisions in a more timely manner.

(3) Regional Activity

P+ Focus efforts on conducting necessary SIs on remaining pre-SARA sites.

(4) Tribal Activity

P Focus efforts on conducting necessary SIs on remaining pre-SARA sites.

i. Develop Streamlined Site Evaluation Process That Meets SARA Requirement of Four Years

(1) Overview of Activity

Continue progress towards evaluating pre-SARA sites for inclusion on the National Priorities List (NPL) within four years of listing on CERCLIS.

(2) Headquarters Activity

P Prepare a Report to Congress discussing a strategy to evaluate all remaining pre-SARA sites for inclusion on the NPL in an expeditious manner.

P Apply Total Quality Management principles to the site evaluation process.

(3) Regional Activity

P Continue to give priority to the evaluation of pre-SARA sites for inclusion on the NPL allowing for "worst sites first."

(4) Tribal Activity

P Continue to give priority to the evaluation of pre-SARA sites for inclusion on the NPL allowing for "worst sites first."

j. Identify, Evaluate, and List Sites on the NPL

(1) Overview of the Activity

FY 1991 will be the first full year of implementation of the revised Hazard Ranking System (HRS). As such, Headquarters, the Regions and States will focus substantial resources on training for and refining implementation of the new site evaluation system. Priorities will be given to the following activities:

P+ Conduct training programs developed in FY 1989 for each of the Regions for EPA preremedial staff, active State and Tribal personnel, and appropriate contractors.

P Continue to conduct PAs at all sites within one year of listing in CERCLIS.

P Conduct screening site inspections (SSIs) at all sites recommended for further evaluation based on their relative potential environmental impact; in the absence of factors indicating the need to move one site ahead of another, priority will be given to pre-SARA sites.

P Conduct listing site inspections (LSIs) at the highest priority sites determined to be likely to score above the revised HRS cutoff.

(2) Headquarters Activities

P Implement guidance for conducting PAs, SSIs, LSIs, and scoring sites with the revised HRS, including the use of computerized scoring procedures.

P Develop streamlined site evaluation process that meets the SARA goal of four years.
Conduct training sessions for all segments of the pre-remedial community.

P Propose and promulgate new sites on the NPL in accordance with revised procedures developed through the use of Total Quality Management techniques.

Revise NPL update process to schedule two NPL updates per year.

P Develop guidance, as needed, on site discovery.

(3) Regional Activities

P Evaluate results of pilot program on discovery in selected Regions where SI goals have been met.

P Continue evaluation of State Multi-Site Cooperative Agreement (MSCA) program and implement improved oversight procedures.

P Continue to work with States to ensure their compliance with the Pre-remedial Strategy.

Continue participation and encourage States in the Pre-remedial Guidance Workgroup.

Conduct PAs, SSIs and LSIs through the Field Investigation Team (FIT).

(4) State and Tribal Activities

Identify potential hazardous waste sites.

Continue participation in the Pre-remedial Guidance Workgroup.

P Conduct more PAs, SSIs, and LSIs through State Cooperative Agreements.

P Develop HRS packages using the revised HRS.

k. Promulgate Regulations and Guidance that Articulate Remediation Standards and Selection of Remedy Procedures

(1) Overview of the Activity

During FY 1991, we will build upon the National Contingency Plan (NCP) and the initiatives of the Superfund Management Review.

Guidance will be developed to streamline the operation of the Superfund program. This will be accomplished by encouraging the breakout of interim projects, by making procedures and requirements clearer and more routine, and by providing "model" products that can be used with minimal additional work.

(2) Headquarters Activities

N Issue proposed interim soil and debris regulations and guidance.

P Issue final ground water guidance incorporating findings of ground water pump and treat case studies.

P Issue guidance on determining soil cleanup levels.

Issue final ARARs guidance on other Federal laws and compliance with ARARs. Issue ARARs fact sheets to disseminate policy decisions and to encourage consistency.

P Provide technical assistance, on Regional request, especially for identifying and determining compliance with ARARs.

Provide Regional risk assessors with computer-based access to current public health-related toxicity information.

Develop streamlined procedures for breaking out interim projects and identifying early actions.

(3) Regional Activities

P Identify opportunities for early action -- especially relating to ground water actions.

P Analyze ongoing and new RI/FSs to identify opportunities for streamlining and for controlling costs within allocated budgets.

Work with States to identify State ARARs.

Implement Regional Quality Control program.

P Seek guidance for risk assessment methods from Headquarters staff, particularly for unique risk situations and those of potentially national scope.

N Ensure environmental assessments are conducted to the degree necessary based on site characteristics.

(4) State and Tribal Activities

P When leading site response, undertake responsibilities outlined above as Regional responsibilities.

P+ Identify ARARs in a timely manner for sites in the RI/FS pipeline.

1. Maintain and Improve Federal/State and Tribal Relations

(1) Overview of the Activity

EPA has developed the Superfund Memorandum of Agreement (SMOA) and the Core Program Cooperative Agreement (CPCA). These are two vehicles EPA is utilizing to ensure substantial and meaningful involvement of States in the Superfund program.

The SMOA is an agreement between a State or Indian Tribe and a Region defining each party's roles and responsibilities in the implementation of CERCLA. This agreement provides maximum flexibility to EPA and States or Tribes in planning and implementing all response activities, and clarifies EPA and State roles and expectations.

The CPCA provides funds to conduct CERCLA activities that are not directly related to specific sites, but support a State's response program. These agreements enhance States' involvement in response activities and ensures that States have appropriate management systems for financial control of CERCLA funds. EPA also will continue to fund site-specific single and Multi-Site Cooperative Agreements for pre-remedial, remedial, removal and enforcement activities.

(2) Headquarters Activities

Develop and assess State cost share initiatives.

P Continue to work with States and Tribes to define, interpret, and improve opportunities for participation in the CERCLA program.

P Work with States to identify their enforcement role in CERCLA site remediation activities.

Develop post construction procedures for operation and maintenance.

Develop policy and guidance on five-year reviews.

Incorporate Tribal SMOAs into Office of Federal Activities' (OFA's) implementation plans.
Develop initiative for State program and technical assistance.

(3) Regional Activities

N Negotiate and finalize SMOAs with States and Tribes.

P Encourage and oversee States' development and implementation of SMOAs and CPCAs, and facilitate increased State participation in the remedial process.

P Develop and implement program analysis and State recommendation of remedy concepts for remedy selection.

(4) State and Tribal Activities

Encourage Tribal participation in the remedial program.

Enter into SMOAs and CPCAs.

Increase lead role in response activities.

m. Strengthen Existing or Where Appropriate Implement New Removal and Remedial Management Techniques

(1) Overview of Activity

The Agency will continue to implement management initiatives related to the remedial and removal programs. This includes providing RI/FS improvements, implementing improvements to expedite the remedial design and construction process, expanding support to Regional contracting programs, establishing contracting cost controls and ensuring adequate administrative support for On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs).

(2) Headquarters Activities

P Encourage Regions to employ expedited cleanup approaches.

P Continue to monitor RD/RA implementation vehicles to ensure that a balanced workload exists between Alternative Remedial Contracts Strategy (ARCS) and the Corps of Engineers.

P+ Continue to assess and evaluate the removal and remedial programs, identifying additional management reforms particularly in the areas of remedial planning, selection of remedy, design and construction.

(3) Regional Activities

P Employ expedited cleanup approaches whenever possible.

P Provide management and oversight of ARCS, Emergency Response Cleanup Services (ERCS), and IAGs with other agencies.

P Ensure adequate cost controls are established for Regional contracts.

Ensure adequate administrative support for OSCs and RPMs through the continued use of Regional administrative support units and personnel within the program and memoranda of understanding with other divisions which are capable of providing support.

(4) State and Tribal Activities

Continue to improve State procurement processes.

Employ expedited cleanup approaches whenever possible.

n. Improve Retention, Preparation, and Recruitment of Key Site Cleanup Personnel, Particularly OSCs and RPMs, Through the OSC/RPM Support Program.

(1) Overview of the Activity

The Agency will continue to implement management initiatives begun in FY 1989 to improve the retention, preparation, recruitment, and training of OSCs and RPMs in order to enhance the effectiveness of the Superfund Program. This effort involves many components, combined under the title "OSC/RPM Support Program," and is a cooperative effort between OSWER and the Office of Human Resources Management (OHRM).

(2) Headquarters Activities

P+ Continue program implementation, through the dedication of OSWER and OHRM resources, to include full implementation of all components: career tracks and grades, the OSC/RPM Basic Training Academy, mentoring, continuing education, Superfund University Training Institutes (SUTI), the Structured Training and Evaluation Program (STEP), site/incident characterization, awards, professional organizations, workforce planning, rotations, and institutionalization.

P+ Offer several sessions of the OSC/RPM Basic Training Academy and assist with related mentoring assignments for all new OSCs and RPMs.

P+ Utilize job analysis and special pay rate data to complete career track revisions, as needed. (The specifics of this activity will depend on decisions made in FY 1989).

P+ Offer ad-hoc courses needed by those OSCs and RPMs who are beyond the first year on the job.

P+ Ensure training is available and that all OSCs and RPMs participate in at least 80 hours of training per year.

P+ Oversee trends in turnover, awards, training, recognition, etc., through an improved employee tracking system.

P Continue employee recognition through the award of Structured Training and Evaluation Program certificates at all STEP levels (e.g., "Master").

P Address specific field problems through SUTI case study training workshops.

Utilize Hazardous Substance Research Center, as appropriate, for OSC/RPM training.

P Enhance employee development by offering rotations and development hiatuses.

As training backlog subsides, inform States of EPA training opportunities for their staff.

P Offer dedicated resources for special OSC/RPM awards. Assess potential of other incentives such as sabbaticals and innovative financial incentives.

P Oversee all components of this effort; review implementation through Regional reviews and other analyses; revise components that appear to be less effective in meeting our goals.

Explore options to coordinate OSC/RPM basic training with Regional Counsel training.

(3) Regional Activities

P+ Ensure that all new OSCs and RPMs attend the OSC/RPM Basic Training Academy, are assigned to a mentor upon entry into the job, and do not take the lead on sites during the first 3 months of their jobs.

P+ Ensure that all OSCs and RPMs attend at least 80 hours of training/development per year, including SUTI workshops.

P Continue training support through participation in course development and instruction.

P+ Fully utilize the personnel system to identify those positions for which an upgrade may be appropriate.

P Provide recognition of employees through full utilization of available awards, certificates, etc.

P Participate in nominations for all STEP level certificates.

P Provide and plan for developmental opportunities through rotations and developmental hiatuses.

P Provide input, as needed, into employee tracking systems to track turnover, awards, mentoring, etc.

o. Maintain Efforts in the Oil Spill Program

(1) Overview of the Activity

Oil spill response resources will continue to be limited. The Agency's efforts continue to reflect the primary objective of protecting human health and the environment from hazards associated with accidental releases of petroleum products through both prevention and response activities.

(2) Headquarters Activities

P Promulgate Phase I Amendments to SPCC Regulations.

P Propose Phase II Amendments to SPCC Regulations (site-specific contingency plans).

P Propose revisions to Subpart J of the NCP for toxicity and effectiveness testing.

P Develop guidance for ranking dispersants and other products.

Examine uses of U.S. Coast Guard/EPA SPCC information sharing.

(3) Regional Activities

P Develop and implement sound inspection and enforcement strategies for optimal use of SPCC resources.

Coordinate with U.S. Coast Guard on inspections.

(4) State and Tribal Activities

Assume responsibility for spill response whenever possible.

p. Implement CERCLA Response Actions at Federal Facilities

Note: As this document went to print, there was a "Green Border" reorganization package under review which proposed a consolidation of various media program Federal facilities enforcement and compliance functions at Headquarters within a new Office of Federal Facilities Enforcement (OFFE) in the Office of Enforcement (formerly the Office of Enforcement and Compliance Monitoring). When the reorganization is completed, OFFE will be issuing supplemental FY 1991 operating guidance. The OFFE guidance will be issued by April 13, 1990 along with the other supplemental guidance documents developed by each program office.

(1) Overview of the Activity

Headquarters activities will focus in part on implementing the vigorous Federal facility compliance program developed during FY 1989. Regional activities should concentrate on the negotiation and implementation of Federal Facility Agreements under CERCLA section 120. These agreements describe the roles and responsibilities for EPA, the State and the Federal agency during the investigation and remediation phases of cleanups at Federal facilities. Regions should continue to focus on the RCRA corrective action needs at Federal facilities and how they can be integrated into ongoing CERCLA activities, where appropriate. The Federal Facilities Hazardous Waste Compliance Office (FFHWCO) is the point of contact for RCRA/CERCLA integration issues.

(2) Headquarters Activities

Update and maintain the CERCLA section 120 Federal Agency Hazardous Waste Compliance Docket.

Track CERCLA implementation activities at Federal facilities.

P Keep Regions apprised of Federal Facility Agreements under CERCLA section 120 that are successfully completed. This information can be used to expedite ongoing negotiations.

Review and comment on draft Federal Facility Agreements under section 120 to promote national consistency and anticipate problem areas.

P Support Regions in negotiations and developing enforcement strategies.

Continue to develop guidance on the integration of RCRA and CERCLA at Federal facilities.

Assist Regions in resolving disputes over CERCLA or RCRA response actions at Federal facilities.

Establish both formal and informal channels of communication with representatives from other Federal and State agencies to enhance communication.

Distribute and coordinate Office of Management and Budget (OMB) Circular A-106 reports with Regional offices.

(3) Regional Activities

Maintain Regional repositories for the CERCLA section 120 Federal Agency Hazardous Waste Compliance Docket.

Review Federal agency preliminary assessments of docket facilities and evaluate for inclusion on the NPL.

P Negotiate comprehensive Federal Facility Agreements under CERCLA section 120 for investigatory and remedial actions under RCRA and CERCLA at priority Federal facilities, and provide oversight and technical assistance. The Agreements should integrate the RCRA corrective action and CERCLA response processes.

Provide opportunity and encourage State participation in the negotiation of three-party Federal Facility Agreements under CERCLA section 120. States should be given advance notice of negotiations.

P Establish deadlines for concluding negotiations on Federal Facility Agreements. When negotiations are not concluded in a timely manner, Regions should consider all available enforcement alternatives, including the referral of unilateral CERCLA

section 106 administrative orders through Headquarters to the Department of Justice (DOJ), as a means of concluding negotiations.

Review Federal agency RODs at NPL sites and make joint selection of remedy, or in the event of disagreement, select remedial action alternatives for Federal facilities.

Review and comment on draft OMB Circular A-106 reports and EPA's draft OMB report.

(4) State and Tribal Activities

Actively participate in the negotiation and implementation of three-party Federal Facility Agreements under CERCLA section 120.

Review and comment on draft OMB Circular A-106 reports and EPA's draft OMB report.

q. Conduct Research That Improves Risk Assessment Capabilities and Risk Reduction Technologies in the Response Program

(1) Overview of the Activity

The Superfund research and development (R&D) program for FY 1991 will focus on seven areas: support to OSWER and regional offices in getting new technologies on site, biosystems research, the Superfund Innovative Technology Evaluation (SITE) program, health and risk assessment research, advanced field monitoring and quality assurance, technology evaluation, and university research centers and grants.

Technical Support

The Agency provides technical support to CERCLA Fund-lead and enforcement-lead activities for engineering/treatment technologies, monitoring, fate and transport, modeling and health/environmental risk assessment. Technical support is provided through funding of research projects and technical support centers. Emphasis will be on increased usage of Office of Research and Development (ORD) personnel and equipment to support Superfund treatment on site accessibility, providing quicker responses, efficient dissemination of research results/applications, and training of Superfund staff and contractors on new technologies. Major activities include: 1) monitoring-- the use of aerial imagery and photography for site identification and assessment; 2) fate and transport-- providing chemical-specific fate/transport data for a specific medium exposed by the receptors; 3) engineering and treatment techniques-- providing active site-specific support in the removal and remedial action process of technology selection; 4) modeling-- providing advice and guidance on the use and limitations of mathematical models including uncertainty analysis; 5) health/environmental risk assessment-- assisting the development of cleanup levels for site-

specific cases or for specific scenarios including wetland and mining sites, assisting Regions with ecological evaluations, reviewing difficult risk assessments as requested by the program offices and Regions, increasing the efficiency and accessibility and utility of integrated risk assessment information, and providing technical assistance to improve the quality and consistency of risk assessments through the new Technical Support Center for Risk Assessment in Cincinnati. Beginning in FY 1990, a liaison function was established in each Region co-funded by ORD and the Regions. This FTE facilitates the transfer of technical information to Superfund OSCs, RPMs, and their technical support staff.

Biosystems

Biosystems research, or in-situ biodegradation techniques, evaluates naturally-occurring or improved microorganisms for their ability biochemically to degrade hazardous substances. Major projects to be completed in FY 1991 are: 1) aerobic and anaerobic protocols for testing microbial agents in bioremediation; 2) development of an information transfer system; and 3) preliminary reports on the use of bioengineered microorganisms for bioremediation.

SITE

The SITE program accelerates the development, demonstration and use of innovative treatment technologies. The SITE program also demonstrates and evaluates new measurement and monitoring techniques. The heart of the SITE program is the demonstration phase in which full-scale evaluations of technologies are conducted at Superfund sites under joint EPA and private developer funding. Information on the evaluation of SITE technologies is made available through project report, brochures, seminars, and conferences, and through the SITE clearinghouse.

The Emerging Technologies component of the SITE program fosters development of promising technologies not ready for field demonstration under the SITE program. In FY 1991 the emerging technologies program will focus on bench-scale evaluation, identification of promising projects, and efforts to prepare selected technologies for evaluation in the demonstration phase.

Health and Risk Assessment Research

ORD's health and risk assessment research addresses specific data needs and methods development/validation related to exposure assessment, toxic effects assessment, and risk characterization used in various CERCLA activities. Emphasis is on applied research and the major activities are: 1) exposure assessment--bioavailability, bioaccumulation, exposure to products of degradation or treatment residues, field method validation, and better characterization of exposure via ingestion, dermal and inhalation routes from soil, sludge, sediment and drinking water,

2) toxicity assessment-- Health and Environmental Effects Documents (HEEDs), Health Effects Assessments (HEAs) and Reportable Quantities (RQs) work on hazardous substances or mixtures for cancer, neurotoxicity, reproduction, developmental and immunotoxic effects, and the establishment of inhalation Reference Doses (RfDs) or their default values, and 3) risk characterization-- chemical mixtures response prediction/validation and application of methods to actual scenarios, and development of risk assessment methods for short-term and intermediate term exposures. This research component also will include technical assistance to Superfund risk assessors through the Technical Support Center for Risk Assessment in Cincinnati. The Office of Policy, Planning and Evaluation is conducting research in how to communicate risk concepts and results to the public.

Advanced Field Monitoring

Advanced field monitoring techniques are low-cost field analytical methods that generate real time or near real time data regarding site characterization and contamination. Advanced field monitoring techniques are designed to provide an alternative to expensive, time-consuming laboratory analysis. In FY 1991 efforts will be multi-purpose: 1) the focused application of developed environmental monitoring technologies, such as x-ray fluorescence and field portable gas chromatography, will be demonstrated, and 2) environmental monitoring technologies in the developmental stage, such as fiber optic and related sensors, immunoassay methods, soil gas techniques and field monitoring instrumentation, will be studied for their ability to address problems common to Superfund sites. ORD has requested additional funding to evaluate monitoring technologies that are untested on Superfund wastes.

Quality Assurance and Field Quality Assurance

The quality assurance (QA) program provides support to the Contract Laboratory Program (CLP), which is responsible for most contract chemical analyses under the Superfund program. According to uniform and consistent protocols, quality assurance reference materials such as calibration standards, quality control samples, and performance evaluation samples are designed, prepared, and distributed for analysis by contract labs. Annual reports on the design, preparation, and distribution of quality control samples for contract labs and on performance evaluation samples for organic/inorganic analyses will be prepared.

Field quality assurance research attempts to determine the level of error associated with different operational phases of field sampling in order to improve or retain the quality of the sample. Quality assurance studies will identify the sampling error created by various methods of handling, storage, gathering, and sample location.

Technology Evaluation

Technology evaluation research assesses the cost effectiveness of technologies, techniques, and construction materials used at Superfund sites. Major areas of evaluation are in-situ control technologies, on-site control technologies, Best Demonstrated Available Technologies for Superfund wastes, and combustion technologies for Superfund wastes. In FY 1991, major activities will include the evaluation of assisted steam stripping technologies for removing organic pollutants from contaminated soil and the publication of handbooks on in-situ treatment of hazardous waste and on-site cleaning equipment. Some resources will be shifted to develop a Superfund expert system, with potential uses for areas such as ground water analysis, manifest tracking, HRS assistance, and construction design.

University Research Centers and Grants

Under the authority of SARA section 311(d), ORD awards grants to five university-based hazardous substance research centers. The centers, which became fully operational in FY 1989, are designated to conduct long-term and short-term research, including but not limited to the manufacture, use, transportation, disposal, and management of hazardous substances, to disseminate research results, to coordinate efforts with other institutions, and to train, transfer technology, and provide technical support. The five institutions and consortia that have been recommended for funding are the New Jersey Institute of Technology, the University of Michigan, North Carolina State University, Kansas State University, and Stanford University.

The ORD research grants program annually solicits proposals for long-term research grants. For FY 1991, the research priority areas are development and application of human health risk assessment methods, ecological risk assessment methods, total exposure assessment methods, and risk reduction research concerned with reducing or eliminating the release of toxicants to the environment.

r. Ensure Appropriate Information Resources Management

(1) Overview of the Activity

Through FY 1988, the major focus of the CERCLA information resources management (IRM) program was on planning for and subsequent development and implementation of several major national applications systems. In FY 1989, the emphasis changed to data administration issues such as access, timeliness, accuracy and consistency and to the introduction of local area network (LAN) technology in both Headquarters and the Regions. In FY 1990, our emphasis shifted once again to that of data sharing, integration and technical information exchange within hazardous waste programs at all organizational levels. During FY 1990, we began reporting environmental indicators of remedial and removal progress. In FY

1991, the focus will involve the next generation of CERCLIS, the next iteration of environmental indicators reporting, and the continuing focus on records management activities.

(2) Headquarters Activities

P+ Work with Regional Information Management Coordinators (IMCs) to implement a program outlining environmental indicators of success.

P+ Continue to improve responsiveness to national and Regional

Superfund managers needs for timely and accurate information by ensuring accuracy and availability of existing reports and survey rank by priority and develop additional reports requested by managers.

Continue participation in OSWER-wide IRM planning and strategic decision making.

Continue to support the current and evolving programmatic mission through the provision of effective and efficient application systems.

P Continue to assist the Regions and the States in the performance of their national application systems data steward roles through oversight and user support activities.

P Improve data sharing and integration and information exchange within hazardous waste programs in Headquarters, Regions, and States through participation in the State/EPA data management initiative, cooperation with State organizations, and sponsorship or support of application systems, bulletin boards and clearinghouses.

Continue the introduction of automation technologies, such as LANs, which support office automation and project management as well as data management, geographic information and expert systems, and point-of-origin data capture and transmission. Assist Regions in development of Region-specific LAN reports.

P Evaluate Regional records management systems and assist in the implementation of cost-effective procedures and technologies.

(3) Regional Activities

Continue participation in IRM planning and strategic decision making.

p Support national system managers in defining requirements for new application systems or system enhancements.

P As data stewards, continue to provide timely and accurate data to all national application systems.

P Participate with Headquarters and the States in data sharing and integration initiatives and information exchange activities.

Implement appropriate application systems and automation technologies (e.g., WasteLAN) in support of Regional management decision making and program operations.

P Continue operation of records management systems and implement cost-effective procedures and technologies.

(4) State and Tribal Activities

P As data stewards, continue to provide timely and accurate data to national application systems.

P Participate with Headquarters and the Regions in data sharing and integration initiatives and information sharing activities.

s. Continue to Assess Treatment and Disposal Capacity Need Through SARA 104(k)

(1) Overview of the Activity

Beginning October 17, 1989, the Agency will only fund new remedial actions in States that have provided an assurance, through the Capacity Assurance Plan (CAP) process, that sufficient hazardous waste capacity would exist to manage wastes generated in the State during the next 20 years.

In order for a CAP to be deemed adequate, a State must demonstrate:

- o A good understanding and description of its current hazardous waste management system
- o Reasonable projections regarding future waste generation and management capacity
- o Interstate agreements with another State or States to assure hazardous waste management capacity, if the State is dependent on management capacity outside its boundaries
- o That they have or will address waste reduction and elimination.

States may update CAPs at any time. EPA recognizes that State hazardous waste systems are dynamic and that factual information or assumptions upon which a State's CAP is based may change.

We expect that FY 1991 CAP submittals will contain more and better quality data as States learn from 1989/90 experience and have more time to collect data.

Regions are the primary reviewers in the CAP process, and should focus their reviews especially on those areas of the CAP dealing with State laws, waste minimization programs, and State-specific data.

If there are supplemental conditions or milestones in a State CAP, the Agency will reexamine whether the State's assurance as a whole continues to be deemed adequate when a State fails to meet a major milestone. In FY 1991, Superfund will formalize the existing liaison function to ensure that the Agency knows when States fail to meet supplemental conditions or hit milestones so that appropriate action can be taken. Each Region is responsible for tracking the major milestones its States must meet.

(2) Headquarters Activities

P Implement an aggressive outreach program to promote all aspects of the State CAP project, consistent with remedial action priorities of Superfund program.

Develop computer and training systems necessary to aid States in providing assurances.

Implement procedures for collecting, verifying, and certifying State assurances, including computer systems.

Approve and fund pilot projects that develop creative approaches to respond to unique regional/geographic problems related to capacity assurances.

Develop an enforcement strategy for State capacity assurances.

(3) Regional Activities

P Work with States to ensure timely and accurate State responses to Headquarters guidance.

Develop pilot projects to improve communication with States and to address groupings of States with distinctive problems.

(4) State Activities

Ensure availability of sufficient personnel and resources to respond to EPA guidance so that State assurances will be provided in a timely manner.

Participate in multi-State pilot projects, as needed.

t. Provide Hazardous Substance Response Training

(1) Overview of the Activity

The Hazardous Materials Incident Response Training Program includes courses related to hazardous substances responses. The courses are

for personnel who respond to emergencies or who investigate and respond to abandoned hazardous waste sites. Training is provided in safety and health, as well as in the various technical operations needed to identify, evaluate and control hazardous substances that have been or could be released. The courses are available to response personnel from Federal, State and local agencies at no charge. Private industry also may attend on a space available basis and payment of tuition.

(2) Headquarters Activities

Provide for the delivery of six of the training courses through non-Federal agents such as universities, training institutes and consultants.

Amend the training curriculum to integrate new program policies and requirements, such as Title III provisions.

(3) Regional Activities

Encourage State and local responders to take advantage of the courses.

Advise Headquarters of training needs assessment.

(4) State and Tribal Activities

Screen training needs and advise Regional EPA office of request.

u. Promulgate Reportable Quantities

(1) Overview of the Activity

Under section 304 of SARA's Title III, releases of extremely hazardous substances (EHSs) in a reportable quantity (RQ) or greater must be reported to State and local governments. Releases of CERCLA hazardous substances must be reported to the National Response Center (NRC) in addition to State and local governments. At this time, 232 EHSs are non-CERCLA hazardous substances, but will be designated as CERCLA hazardous substances. The one-pound RQ for these substances was adjusted in a final rule in FY 1990, thus alleviating the reporting burden of the regulated community and clarifying the reporting requirements under CERCLA and SARA.

The RQ adjustment methodology will also be reevaluated in light of new scientific information and if the Carcinogen Assessment Group modifies the cancer policy of the Agency.

Other activities include the promulgation of reduced reporting requirements under CERCLA section 103(f)(2) for releases that are reportable under section 103(a), but which are "continuous" and "stable in quantity and rate", and the promulgation of an interpretative rule clarifying what is a federally-permitted

release under CERCLA section 101(10). Federally-permitted releases are not reportable under CERCLA.

(2) Headquarters Activities

P Publish designation of EHSs as CERCLA hazardous substances and RQ adjustments final rules.

(3) Regional Activities

Receive EHS release reports from the NRC. Receive written initial and follow-up reports of continuous releases from the regulated community and reports of statistically significant increases from the NRC.

P Determine whether a Federal response to the release is warranted.

(4) State, Local and Tribal Activities

P Receive reports of EHSs released in quantities of an RQ or more (the amount of recordkeeping may decrease when some RQs are raised from the one-pound statutory RQ).

v. Ensure High Quality Analytical Data for Decision making

(1) Overview of the Activity

The Data Quality Objectives process is used to define the data requirements for Superfund decision making. The analytical services to meet the data requirements can be obtained from a variety of sources. These sources include field analysis, CLP fixed laboratory analysis, and other fixed laboratory analysis by the Environmental Services Division Environmental Sampling and Analysis Teams (ESD/ESATs), States and subcontractors. All Superfund data must be of known and documented quality. In order to assure that this is case, the data requirements must be developed, documented, implemented and overseen for all sources of analytical data.

(2) Headquarters Activities

Continue to develop the expanded laboratory quality assurance program for non-CLP analytical work.

Evaluate oversight of CLP contractors and implementation of contract compliance screening.

Continue to develop guidance for an oversight program for non-CLP analytical work, including QA and tracking.

Provide performance information on high-priority field analytical methods.

(3) Regional Activities

Implement an expanded laboratory QA program for non-CLP analytical work.

Track analytical work from all sources as outlined in OSWER Directive 9240.0-2.

Implement Regional oversight programs for non-CLP analytical work.

Implement data usability guidelines developed in FY 1990.

3. Appendix

APPENDIX I
SUPERFUND PROGRAM
KEY SUPPLEMENTAL REGULATIONS AND GUIDANCE

Regulations/Documents	Expected Publication
National Contingency Plan	2/90
Hazard Ranking System	4/90
Five-Year Review Guidance (Short Sheet)	3/91
Technical Assistance Grants (Final Rule)	9/91
Response Claim Regulation (Final Rule)	5/90
Administrative Law Judge Procedures (Final Rule)	3/91
RI/FS Guidance (interim draft)	2/89
ROD Guidance (final draft)	3/89
Compliance with Land Ban	5/89
Environmental Evaluation Manual	8/89
Public Health Evaluation Manual	8/89
Federal Facilities Update 9	4/90
NPL Update 10 (Federal Register)	5/90
Revision of Spill Prevention portion of SPCC Regulations (proposed)	8/89
RD/RA RP Oversight Guidance	3/90
Program Management Manual (FY 1991)	6/90

B. ENSURE PROPER ONGOING MANAGEMENT AND CLOSURE OF SOLID AND HAZARDOUS WASTE FACILITIES [THIS SECTION IS COMMONLY REFERRED TO AS "THE RCRA IMPLEMENTATION PLAN" (RIP)]

1.0 OVERVIEW OF THE NATIONAL STRATEGY

1.1 Program Direction

The goals of the Resource Conservation and Recovery Act (RCRA) program are (1) the protection of human health and the environment through environmentally sound waste management practices and (2) the conservation of materials and resources.

This guidance identifies national priorities and lays out key activities for EPA and States to accomplish the goals of RCRA. The hazardous waste priority discussion follows below. For a discussion of the solid waste priorities, see Section 6.

The national hazardous waste management priorities for FY 1991 are listed in Section 1.2. The first three of these describe activities for the universe of RCRA regulated entities: operating and closed treatment, storage and disposal facilities and generators and transporters of hazardous waste. Of this universe, treatment, storage and disposal (TSD) facility and generator activities encompass the bulk of the workload. Activities at TSDs and generators include: operating permit determinations and modification, corrective action, post-closure permits, closure plan approval, and compliance monitoring and enforcement.

At this stage in the evolution of the hazardous waste programs of RCRA and HSWA, two things are occurring: (1) the requirements for the existing universe of facilities are expanding, and (2) the RCRA universe itself is growing. We recognize that this poses very difficult implementation problems for the States and Regions particularly in a period during which RCRA program responsibilities have grown at a significantly faster pace than resources. This guidance recognizes that priorities must be set both within and among the new and existing requirements and universes. This guidance also recognizes that, for the expanding universe, some activities must begin right away, while other activities must take place over a multiyear period.

In planning for FY 1991, Regions and States should develop a mix of activities derived from the national RCRA priorities, as well as other aspects of the guidance such as State oversight and waste minimization. The selection of activities should consider three things: (1) for TSD and generator activities, the environmental significance of the facility or waste handler; (2) for all national priority activities, the need to show progress; and (3) for the entire set of planned activities, maintaining the balance between preventative waste management activities and clean-up of releases through corrective action.

1. Environmental Significance

The demands of all the national priority activities need to be considered and weighed against each other in determining the mix of actions that makes the greatest environmental sense for a particular Region or State. The concept of environmental significance should be applied to all activities included in the first three national priorities listed in Section 1.2. This concept should be used to rank TSD and generator facilities and handlers for attention. Subsequently, the most appropriate action (permit, enforcement order, etc.) would be determined to achieve environmental results.

2. Continued Progress

The second factor in planning a mix of FY 1991 activities is the need to continue showing progress in each of the national priority areas. In some cases, the guidance defines progress on a national scale (e.g., Section 2 requires that a portion of clean closed facilities be reviewed and addressed in FY 1991; Section 3 describes inspection frequencies). In other cases, the guidance does not identify a specific level of activity. However, all national priority areas are critical to the environmentally sound management of hazardous waste and progress in these must be factored into decisions about the appropriate mix of FY 1991 activities.

3. Programmatic Balance

Finally, the orderly development of the RCRA program at both the national and State levels requires that we **strike the appropriate resource and programmatic balance** in our activities. Activities which ensure we meet the goals of RCRA fall into three broad categories:

- o waste minimization activities that reduce how much waste is generated, including source reduction and environmentally sound recycling;
- o preventative waste management activities that guard against releases of wastes to the environment through permit issuance and closure plan approval, inspecting facilities and enforcing facility compliance; and
- o clean-up of releases of hazardous wastes through the corrective action program.

The overall FY 1991 RCRA resource allocation for corrective action is approximately 20 percent, with 80 percent allocated for waste minimization and preventative waste management activities. More specifically, the Regions should allocate 75% - 80% of FTE, and a sufficient amount of extramural resources, to waste minimization and preventative waste management activities. Conversely, 20% - 25% of FTE should be allocated to corrective action activities.

For the states, the national goal is to allocate approximately 80% - 85% of State grant funds to waste minimization and preventative waste management activities. Conversely, 15% - 20% of the total grant (which includes the corrective action set aside discussed in Section 8.3) should be allocated to corrective action activities. The national goal for the States is to be used as a general guideline for the Regions to use when negotiating FY 1991 grant workplans. Although the actual percentage of State grant funds which is allocated to each portion of the program will vary from State to State, the Regions should adhere generally to the proportion of the budget which is allocated for clean-up activities on a regional level.

1.2 National Priorities for Hazardous Waste Management

The three principles of environmental significance (for bullets 1-3), progress on all national priorities, and maintaining the balance of preventative and corrective action activities apply to the following list. The activities below are not listed in priority order.

- Identify, prioritize, and make final permit determinations for environmentally significant treatment, storage and disposal facilities, including closed or closing land disposal facilities. Address other environmentally significant handlers on a priority basis. Initiate appropriate activities at all of the above facilities on a worst-first basis through an operating permit, post-closure permit, corrective action order, approved closure plan or CERCLA action, as appropriate.

- Process permits and permit modifications for new and expanded facilities, especially those providing treatment and incineration capacity, Research Development & Demonstration (RD&D) permit applications, and commercial treatment capacity. Incorporate waste reduction provisions, to the extent practicable, in permits and permit modifications.

- Encourage facility compliance, conduct inspections mandated by HSWA, SARA, and Agency policy, and pursue timely and appropriate enforcement against significant violators.

- Enhance the Federal/State partnership by achieving timely authorization, improving the authorization process, providing incentives for State applications, and building State capability through training and technical assistance.

- Support RCRIS and other information management activities to ensure comprehensive, quality data to facilitate effective management of the hazardous waste program.

1.3 Waste Minimization (Pollution Prevention)

This FY 1991 guidance recognizes that there are limits to the amount of environmental improvement that can be achieved under a regulatory program once wastes have been generated. Source reduction and environmentally-sound recycling are thus critical components of both solid and hazardous waste management programs. Regions and States should strive to integrate waste minimization into all appropriate aspects of their permit and enforcement programs. The waste minimization discussion below focuses on hazardous waste management activities. For suggested activities in solid waste management, see Section 6.

The 1984 HSWA amendments to RCRA support waste minimization as a national goal by stating: "wherever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible". To implement this waste minimization goal, EPA has developed a national implementation policy published in the Federal Register on 01/26/89 for public review and comment. The policy:

- o sets source reduction and recycling as the Agency's highest priorities over treatment and disposal; and

- o commits EPA to incorporating source reduction, recycling, and other pollution prevention concepts into all Agency media programs, and to working with the States to develop technical assistance programs to help industry identify and implement source reduction and recycling opportunities for hazardous waste and solid waste. It is important that efforts to reduce hazardous waste do not merely transfer the problem from one medium to another.

HSWA also required that generators and TSD owner and operators certify that they have a waste minimization program in place. EPA published "Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program in the Federal Register (June 12, 1989).

Several opportunities are identified in the operating guidance for ensuring that generators and TSD owners and operators have waste minimization programs in place. Recognizing that there is no specific funding for waste minimization, these are some approaches to integrate waste minimization into on-going activities. For more aggressive initiatives, Regions are encouraged to use the RIP-flexibility process. In FY 1991, Regions should actively promote implementation of EPA's national pollution prevention (waste minimization) policy and program by:

- o Integrating waste minimization into permits, permit modifications and enforcement. For example, Region 2 is developing a regional initiative to include waste minimization in permit modifications.

- Giving high priority to reviewing permits and permit modifications that are based on facility specific waste minimization plans.

- Encouraging TSD owners and operators to commit to specific source reduction and recycling goals and actions as part of the permit review and approval and modification process.

- Assisting States, as necessary, in the collection of data on waste minimization, and on trends in hazardous waste generation and management. The primary vehicle for collecting these data is the RCRA Biennial Report, and to a lesser extent, the SARA 313 Toxic Release Inventory.

- Helping States to develop and implement individual waste minimization programs. Regions should monitor pollution prevention grants and help coordinate State activities. For example Region 4 has developed a "Regional resource center," which coordinates individual State waste minimization plans, and facilitates the trading and dissemination of technical assistance and training information. In addition, Region 10 is developing a Pollution Prevention Institute that will provide technical assistance to firms.

- Providing outreach, educating, and communicating with industry, States, and the general public. In FY 89, Region 5 put on a successful region-wide WASTEMIN symposium, and continues to work with the State of Minnesota and the Minneapolis Chamber of Commerce on outreach activities.

- Helping mining states evaluate the technical options for re-mining abandoned or inactive mining sites so as to prevent acid drainage or other environmental degradation. The Office of Solid Waste (OSW) in conjunction with Region 8 is exploring in FY 1990 the development of a policy and regulatory framework to encourage the re-mining of non-coal wastes.

Other waste minimization opportunities are noted in the appropriate portions of Sections 2-10 of this guidance.

1.4 FY 1991 Regional Work Plans and RIP-flexibility Plans

This guidance recognizes that certain of the identified national priorities and activities may not be applicable in every State or Region; thus, Regions and States are encouraged to identify Regional RCRA priorities where State or Regional priorities would yield significant health or environmental benefits.

To the extent that Regions deviate from national hazardous waste priorities (such as making environmentally significant permit decisions and/or statutorily mandated inspections), Regions should submit a work plan to Headquarters which explains as specifically as possible why the national priorities will not be met. This work plan may be submitted on its own or as part of a RIP-flexibility

plan if the Region proposes to trade-off national priorities for Regional or State priorities.

Under the RIP-flexibility process, up to 15% of the total Regional and State resources (State grants, Regional FTEs and extramural funds) may be traded-off from the national priorities for Region or State-specific environmental priorities. The criteria for RIP-flexibility plans and an optional form for submitting them are contained in a May 18, 1989, memorandum from Joseph Carra and Susan Bromm, "FY 1990 RCRA Implementation Plan Flexibility Process". Additional criteria regarding inspections is found in an October 26, 1989, memorandum from Bruce M. Diamond, "RIP-Flex Statutory Disinvestments in Inspections". The May 18 memo clarifies that Regions need not submit a RIP-flexibility proposal for storage and treatment permitting unless the Region or State proposes a trade-off for completing permits for environmentally significant storage and treatment facilities.

Regions and States should give special consideration to using RIP-flex to fund waste minimization and Subtitle D activities. Waste minimization, while not separately budgeted for in either solid or hazardous waste, may be pursued under other funding sources (such as the 2% set-aside initiative in FY 1990). Also, many waste minimization activities can be funded through already budgeted permit and enforcement activities. Where these sources are inadequate, though, the use of RIP-flex is encouraged.

While additional resources are available for Subtitle D solid waste programs in FY 1991, the considerable growth occurring in this program warrants making RIP-flex available as an option. Note, however, that this option applies only to use of Regional resources, not State grant funds under Subtitle C.

Since the work plans and RIP-flexibility Plans will be used in negotiating Regional commitments and STARS targets, draft Regional plans are to be submitted by August 1, 1990. These plans should be submitted concurrently to the Director, Permits and State Programs Division, OSW, and the Director, RCRA Enforcement Division, OWPE (Office of Waste Programs Enforcement).

1.5 Structure of Guidance

This RCRA guidance is organized by topic areas similarly to past years. For FY 1991, however, the list of applicable regulations and guidance is found at Appendices A and B rather than at the end of each section. Also, training is now a separate section (Section 10).

2.0 PERMITTING, FACILITY CLOSURE, AND POST-CLOSURE

2.1 Program Objective

Decisions and priorities for the permit and closure program, including corrective action, are to be based on environmental benefits expected to be achieved, as discussed in Section 1. The objectives of the FY 1991 permit and closure program are to use Regional and State permit and enforcement actions to: 1) address operating, closing, and closed facilities; 2) process permit modifications in order to support expansion of needed capacity; 3) track permit schedules of compliance particularly those that involve groundwater contamination; 4) ensure corrective action at environmentally significant operating, closing, and closed facilities; and, 5) follow through on approved closure plans, as necessary, in order to minimize the post-closure escape of hazardous constituents into the environment. Regions and States are not expected to issue permits to facilities newly brought under RCRA in FY 1991 except where such facilities are environmentally significant or support needed capacity.

2.2 Relation to FY 1990 RCRA Operating Guidance

Greater emphasis on:

- o issuing post-closure permits;
- o tracking compliance with groundwater schedules of compliance;
- o processing permit modifications, conducting 5 year land disposal permit reviews and, as appropriate, incorporating new regulatory requirements into permits; and
- o factoring facility specific waste minimization plans into the permit review and approval processes and as appropriate in the modification process.

Continued emphasis on:

- o making progress on reaching final permit determinations for environmentally significant storage and treatment facilities including Subpart X units by November 1992 and on other environmentally significant operating facilities;
- o overseeing and conducting technical evaluations of permit submittals for corrective action;
- o establishing multi-year strategies for corrective action activities, post-closure permit determinations and environmentally significant storage/treatment permit determinations;

- taking permit, post-closure permit and closure plan actions for all facilities based on the environmental significance of the facility and the human health and environmental benefits to be achieved;

- processing permit modifications for expanded treatment and incineration capacity; encouraging facilities to develop waste minimization plans for consideration in this process;

- approving closure plans, including corrective action as necessary, for land disposal facilities that lost interim status; conducting activities necessary to support closure plan schedules; and

- re-evaluating facilities that closed by removal.

Decreased emphasis on:

- the 1989 incinerator deadline.

2.3 Overview of Activities

Priority Setting

Addressing environmentally significant handlers is one of the national priorities for FY 1991. Section 1 discusses a general framework for planning the most appropriate mix of activities in permitting and the other aspects of facility management.

Facility management plans and multi-year strategies are useful tools for establishing priorities based on environmental significance, as well as for supporting resource planning and workload allocation. In FY 1991, Regions and States should continue the use of multi-year strategies. As these planning and tracking tools are refined, Regions and States should update their multi-year strategies and facility management plans to ensure that priority attention is focused on those handlers and activities causing or potentially causing the greatest health and environmental threats. This planning process should include all hazardous waste activities and handlers, with priority given to those actions which are expected to result in the greatest health and environmental benefits including the minimization of waste. Regular discussions between the Regions and the States are encouraged to ensure effective planning. These discussions may occur during routine conference calls or meetings, grant negotiations, quarterly reviews, or other appropriate meetings. Regions and States may use the Environmental Priorities Initiative (EPI) or Region specific systems to plan and establish priorities. Progress on the activities discussed in this section should be tracked through the planning system the Region and State have established.

Statutory Deadlines/Requirements

In FY 1991, the Regions and States should be making progress in making final permit determinations for environmentally significant storage and treatment facilities by November 1992. Regions should note that the Joint Permitting Policy (RCRA Reauthorization Statutory Interpretation # 5, July 1, 1985) is applicable to such permit issuance.

In addition to imposing statutory deadlines for permit decisions, HSWA requires permits to address corrective action for releases. At a minimum, an assessment for release must be completed prior to permit issuance. Also, Regions may issue Section 3008(h) orders prior to permit issuance. Where corrective action activities are not completed prior to issuance, the permit must contain a schedule of compliance as discussed in Section 4.

Post-Closure Requirements

Post-closure permitting will be a higher priority in FY 1991 due to arguments that facilities in interim status in 1984 that required post-closure permits should have received them by the 1988 land disposal permit deadline. The Agency may be placed on a court-ordered schedule for issuing these post-closure permits. Further guidance will be provided should this occur.

HSWA subjects land disposal units, including those previously thought to have clean closed, to the same ground water monitoring and corrective action requirements as new units. On December 1, 1987, this requirement was codified in regulations but approximately 200 facilities clean closed prior to that date. Under the FY 1989 guidance, Regions and States were required to develop a strategy for addressing facilities that closed by removal without complying with the Part 264 standards. Regions and States should continue to review these facilities and issue post-closure permits or take enforcement actions where appropriate. At least one-third of facilities not previously addressed should be addressed in FY 1991.

Permit Modifications; Five-year Permit Reviews; Groundwater Schedules of Compliance; Omnibus Provision

Permit modifications may be initiated by the permittee or the regulatory agency. Regions or States may modify permits without the permittee's agreement when the standards or regulations on which the permit was based have been changed by statute or amended standards or regulations (40 CFR Section 270.41(a)(3)). Certain developments-- closure, corrective action, and new waste listings-- require facilities to seek permit modifications. To achieve the greatest health and environmental benefits, priority attention should be placed on permit modifications for groundwater (Subpart F), HSWA corrective action, and expansion/new units which result in reduced risk to human health or the environment or increased treatment capacity. Regions and States should be alert

to opportunities for waste minimization at facilities which request expansions or new units. Emphasis should also be placed on modifications which support improved facility management.
A significant increase in permit modifications can be expected in Regions with large numbers of **petroleum refineries** as a result of a final HSWA rule listing wastes from that industry (expected date of promulgation: June 1990). It is expected that all refineries will have to modify their permits to comply with the new requirements.

In addition, certain land disposal facilities will be subject to five-year reviews (40 CFR Section 270.50(d)). In FY 1990 OSW is working with the Regions and States on the scope and procedures for these reviews.

Regions and States are urged to pay close attention to facilities permitted with schedules of compliance, especially when the compliance schedule addresses **groundwater**. Because groundwater is of such critical environmental importance, the regulatory agency must closely track compliance with milestone dates and any resultant permit modifications.

Regions may increasingly find it necessary to use the **omnibus** provision (40 CFR § 270.32(b)) to protect human health and the environment by implementing proposed rules before they become final. Examples include the second air emissions rule and the location standards once they are proposed.

New Regulations

The discussion which follows is of major new rules affecting permitting in FY 1991. As these rules become effective, they will over time become incorporated in existing operating permits and in permits for facilities newly brought into the RCRA system. However, given the other permit activities discussed above, in FY 1991 Regions and States will primarily be addressing these new requirements through permit modifications and five-year permit reviews rather than through initiation of new permits.

The final rule regulating the **burning of hazardous waste in boilers and industrial furnaces**, along with the **incinerator amendments**, should become effective in late FY 1991. [NOTE: Both the incinerator and the boiler rules place limits on the feed rates for wastes. These limits provide an opportunity for facilities to identify specific source reduction and recycling actions that will meet these limits.] In FY 1992 and beyond the boiler and furnace rule will require the issuance of 200-250 new RCRA permits. These new permits will require the same effort as the incinerator permits. Although there is presently no date by which these permits must be issued, many applicants may request permits so that they can burn low BTU wastes for purposes other than energy recovery. Once the final rule is promulgated, the Regions and States may begin receiving trial burn plans or reports on metals

and hydrocarbon emissions which will require review for demonstration of compliance with the interim status standards.

The first phase of **air standards** (Subparts AA and BB of Parts 264 and 265) is scheduled to be promulgated in Spring 1990 for process vents and equipment leaks at treatment, storage, and disposal facilities. Implementation of this air emission rule will involve development of permit conditions in the HSWA permit, review of semi-annual reports submitted by facilities, and review of air emission information in the facility operating record. The second phase of air standards, which will control tanks, impoundments, containers, and accumulation tanks, and is scheduled to be promulgated in calendar year 1991.

The universe of RCRA generators and facilities is expected to significantly increase with the promulgation of the revised **toxicity characteristic (TC) rule** in Spring 1990. The new rule will modify the existing Extraction Procedure Toxicity Characteristic and bring many currently unregulated waste streams into the RCRA program. The number of generators and facilities affected was not known at the time this guidance was being finalized because the final levels in the rule had not been decided. Also, because generators and facilities self-identify themselves to EPA and the States for characteristic wastes, it is difficult to predict how quickly the short-term workload will escalate with regard to activities such as assigning EPA identification numbers and processing Part A applications; and, over time, reviewing permit modifications, facility waste minimization plans, changes in interim status, reviewing closure plans and initiating corrective actions. Given the expected effective date, no new permit issuance work is anticipated in FY 1991 as a result of the rule nor is provision made in the budget for such permits. However, other workload impacts are components of budgeted activities.

The TC rule is being promulgated under the authority of HSWA and thus will be immediately effective in all States six months from the date of promulgation. The Regions will be responsible for enforcing the new requirements until the States adopt the TC rule and receive authorization. Many States will assist the Regions with implementation.

Headquarters plans to conduct an extensive outreach program to industry and the Regions/States during the six-month period before the TC rule's effective date. A communications strategy will target the industries most likely to be affected. And, Headquarters will work with permitting and enforcement personnel in each Region to provide information on the expected impacts of the TC rule.

On September 1, 1989 and January 23, 1990, EPA published rules regulating certain **mineral processing wastes** under Subtitle C (Bevill exclusion). See 54 FR 36592 and 55 FR 2322. These actions are taken pursuant to pre-HSWA authority and thus are not effective

in authorized States until such time as State authorities are amended. EPA is responsible for enforcing these new listings in States that are not authorized for the base RCRA program. Authorized States must revise their programs to reflect these changes by July 1, 1991, if regulatory changes only are necessary, or by July 1, 1992, if statutory changes are necessary.

Alternatives to Land Disposal/Additional Capacity

Closures, more stringent land disposal facility requirements, and the land disposal restrictions continue to have an increasing impact on the capacity used to handle hazardous wastes. This situation requires continued emphasis on the processing of: 1) new storage, treatment, and disposal permit applications; 2) changes to existing interim status facilities (or permit modifications) which will expand storage, treatment, and incineration capacity, especially for dioxin-listed waste, mixed radioactive/hazardous waste, explosive/reactive wastes, petroleum refinery wastes, etc., or which will reduce the production and/or toxicity of hazardous waste.

Treatment capacity for most mixed wastes is lacking. Regions and States should place a priority on processing a permit for a mixed waste treatment facility. (See also mixed waste discussion in section 5.) In addition, with the August 8, 1990 expiration of the national capacity variance for wastes from petroleum refineries (K048-052), Regions and States should also place a priority on processing permits for facilities that would treat these waste streams.

Processing of Research Development & Demonstration (RD&D) permit applications will aid in the development of safe alternatives to land disposal of hazardous wastes. RD&D permits must be tailored to the scope of the research proposal and include those conditions necessary to protect human health and the environment. (See Guidance Manual for Research, Development, and Demonstration Permits under 40 CFR Section 270.65, dated July, 1986, EPA/530-SW-86008; OSWER Policy Directive #9527.00-1A). States are encouraged to adopt equivalent RD&D regulations and seek authorization for them as soon as possible so that applicants are not precluded from obtaining RD&D permits by State law.

The Subpart X regulations for miscellaneous units provide further opportunities to permit alternative treatment facilities. EPA may issue a permit to new and existing facilities under Subpart X in both authorized and unauthorized States. (Although Subpart X is not a HSWA regulation, EPA has authority under § 264.1(f)(2) to implement standards in an authorized State if the standards were not yet promulgated at the time of State authorization. OSWER Directive 9489.00-2.)

Public Involvement

Effective implementation of the expanded public involvement program continues to be an integral part of RCRA activities. Public involvement plans developed in previous years for targeted facilities will be implemented during FY 1991. Consideration should be given to providing the public information on facility specific waste minimization plans and technologies. Additional facilities that warrant expanded public involvement should be identified in FY 1991. State work programs should contain specific public involvement activities with appropriate grant funds identified. For additional guidance, Regions and States may refer to "Guidance on Public Involvement in the RCRA Permitting Program", dated January, 1986. Regional RCRA staff should coordinate with CERCLA community relations and enforcement activities to ensure that the mutual objectives of both community involvement programs are met. This is especially important for RCRA sites still included on the National Priorities List (NPL).

2.4 Major Activities:

Headquarters:

- Continue to develop hazardous waste regulations and applicable guidance pertaining to permitting, facility closure, and post-closure. Incorporate waste minimization in regulations and guidance to the extent possible.

- Provide assistance in reviewing permit modifications and permit determinations.

Regions:

- Review and process permit determinations on remaining treatment, storage or disposal interim status facilities, new incinerators, and on environmentally significant post-closure facilities.

- Continue conducting base program (for unauthorized programs) and HSWA permitting activities (for States unauthorized for those activities).

- Continue to review facilities that closed by removal prior to December 1987, to ensure that those which do not meet Part 264 are brought back under RCRA.

- Address permit modifications using the new permit modification rule in unauthorized States, and, under appropriate circumstances, in authorized States (closure, corrective action, and new HSWA waste listings may be addressed through this rule).

- Address permit appeals through negotiated settlements and timely submission of information to the Chief Judicial Officer.

- To facilitate the permitting process, encourage States to obtain authorization for the new permit modification rule, the RD&D rule, and the new rule to facilitate interim status changes (the "Christmas tree rule").

- Incorporate waste minimization opportunities in permitting.

States:

- Review and process operating and post-closure permit determinations for storage/treatment facilities and closed land disposal facilities.

- Address permit modifications.

- Incorporate waste minimization opportunities in permitting.

- Focus efforts on ensuring that closing facilities close in an environmentally sound manner.

3.0 COMPLIANCE MONITORING AND ENFORCEMENT

3.1 Program Objective

The compliance monitoring and enforcement program objectives are to ensure compliance and to take corrective action for releases. Timely and appropriate enforcement action should be taken against violators.

The program continues its transition from enforcing pre-HSWA interim status requirements to enforcing requirements in permits and closure plans, requiring and enforcing corrective action in permits and orders, and enforcing other major HSWA requirements, including the land disposal restrictions. Emphasis continues on setting priorities based on the environmental significance of facilities. Returning regulated facilities to full compliance and increasing pollution prevention efforts are major priorities. Additional initiatives may be identified by the Office of Enforcement's (formerly the Office of Enforcement and Compliance Monitoring) four-year Strategic Plan or the RCRA Implementation Study, which are currently underway. Regions and States are encouraged to review and comment on these efforts as they are developed.

3.2 Relation to FY 1990 RCRA Operating Guidance

Greater emphasis on:

- o Returning regulated facilities to full compliance;
- o Identifying non-notifiers;
- o Criminal prosecution, where appropriate;
- o Inspections at facilities with delisted wastes;
- o Industrial boilers and furnaces inspections; and
- o Integrating waste minimization audits and other pollution prevention incentives in enforcement activities and agency settlement agreements.

Continued emphasis on:

- o Incinerator inspections;
- o Meeting statutory inspection requirements;
- o Enforcement of land disposal restrictions;
- o Federal facility compliance activities;
- o Assuring compliance with permits and final orders, particularly corrective action requirements; and

- o Timely and appropriate enforcement response.

Decreased emphasis on:

- o Inspections at closed land disposal facilities (LDFs);
- o Inspections at operating or closing LDFs with no Class I violations; and
- o Imposing new RCRA Facility Investigations (RFIs).

3.3 Overview of Activities

Inspections

Inspection priorities are governed by: 1) statutory requirements; 2) the Agency's strong emphasis on groundwater protection; 3) the importance of compliance with enforcement orders, consent decrees, permit and closure plan requirements, particularly schedules of compliance; 4) the importance of overseeing corrective action; and 5) the importance of enforcing the major HSWA requirements, particularly the land disposal restrictions.

Inspections in FY 1991 are discussed in two categories: (A) "priority inspections" which fulfill statutory requirements and Agency policy, and (B) "other inspections" recommended to support program goals. Significant aspects of inspections in both categories are discussed under "C. Inspection Requirements".

Case Development Inspections are to be conducted where necessary to file high priority enforcement actions and to support existing actions.

A. Priority Inspections

1. Handlers presenting immediate threat to health or the environment

   Inspections should be conducted to provide necessary documentation for enforcement actions where EPA or the State has information that handlers may present an immediate threat to human health or the environment.

2. Government facilities

   RCRA section 3007(d) requires that EPA annually conduct a Compliance Evaluation Inspection (CEI) at every facility owned or operated by a State or local government. Inspections of State and local government transportation, storage, and disposal (TSD) facilities must be reported as EPA inspections. State inspections cannot substitute for EPA inspections at State or local TSD facilities.

Section 3007(c) requires that all Federally owned or operated TSD facilities be inspected yearly. In FY 1991 States will have the lead for conducting the majority of Federal facility inspections.

3. Commercial TSD facilities receiving CERCLA waste

Inspections must be conducted, as necessary, to maintain CERCLA-eligible capacity. CERCLA funds may be utilized for these inspections. Detailed requirements are described in "Revised Procedures for Planning and Implementing Off-Site Response Actions," dated November 13, 1987. The policy was proposed as a rule under an amendment to the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) in November 1988. Workgroup closure on the final rule occurred in September 1989. Publication of the final rule is projected for April 1990. Briefly:

a) Units receiving CERCLA waste must be in full physical compliance with applicable State and Federal requirements. To satisfy this requirement, TSD facilities which receive CERCLA waste must have been inspected within six months prior to receiving CERCLA waste; and

b) Land disposal facilities receiving CERCLA waste must have received an Operations and Maintenance Inspection (O&M) or a Comprehensive (Ground-Water) Monitoring Evaluation (CME) within the year prior to their receipt of CERCLA wastes.

There must be no releases from units designated to receive CERCLA waste. This requirement also applies to air emissions that exceed prohibition levels specified in RCRA Section 3004 (n). Releases from other units must be addressed by a corrective action program according to the criteria set out in the Off-Site Policy. Clean-ups conducted at Federal facilities are subject to the provisions of the Off-Site Policy if conducted under any CERCLA authority, including Section 120.

4. Land disposal facilities (other than Government facilities)

a) RCRA Compliance Inspection:

In FY 1991, inspection requirements for Land Disposal Facilities will be modified to allow greater flexibility in setting targets. The following are **not** required to be inspected in FY 1991: operating, permitted, or closing land disposal facilities that have no outstanding **Class I** violations as of **July 1, 1990**, and received an inspection in FY 1990. LDFs not inspected in FY 1991 **must** be inspected in FY 1992.

Inspected Annually: Federal, State or local facilities and Underground Injection Control (UIC) facilities.

Every other Year: Closed LDFs (except those clean-closed by removal.

In addition to assuring compliance with the facility permit, inspections of operating land disposal facilities should focus on documenting compliance with corrective action compliance schedule(s). Close attention should be placed on permitted facilities with compliance schedules, especially those involving groundwater, to ensure compliance with milestone dates.

The promulgation of the Land Disposal Restrictions Final Thirds Rule will require the treatment of a number of waste streams prior to land disposal. These include wastes from petroleum refineries (K048 - 052) that, as of August 8, 1990, will no longer have a national capacity variance. Petroleum refineries that treat or dispose of such wastes should be monitored during inspections to determine if they are in compliance, regardless of whether they have a pending "no migration" petition.

b) Operation and Maintenance Inspection (O&M):

In FY 1991, one-third of the land disposal universe will receive either an O&M or a CME. The O&M inspection is designed to confirm that a facility's ground-water monitoring system continues to function as designed.

The CME will continue to be necessary at certain facilities which: 1) though permitted have complex compliance or corrective action requirements at regulated units; 2) have questionable groundwater monitoring (GWM) systems (e.g., a closing facility required to re-do site characterization, a facility where a previous CME was of poor quality); or 3) have made major changes to their GWM system.

5. <u>Treatment and storage facilities</u> (TSFs)

Final incinerator inspection guidance was completed in FY 1989. All incinerators must receive an inspection in FY 1991. In addition, inspections must be conducted at a minimum at all other TSFs not inspected during FY 1990, in accordance with RCRA section 3007(e). All government TSFs receive annual inspections as discussed above. (For corrective action oversight requirements see Section 4.)

6. <u>Generators and transporters</u>

As the land disposal restrictions become effective, generator and transporter requirements must receive greater attention. Regions and States should perform inspections at large quantity (i.e., >1000 kg./month) generators, other environmentally significant generators, and transporters.

The total number of these inspections will be based upon approximately seven percent of the number of large quantity generators.

Another possible effect of the "Land Ban" is the increased export of hazardous wastes. However, legislation amending the Solid Waste Disposal Act to require significant restrictions on the export of hazardous waste is presently before Congress. The proposed prohibitions on exporting hazardous waste are expected to become law by FY 1991. Currently, documentation related to requirements governing the export of hazardous waste must be checked, where appropriate, in accordance with the National Enforcement Investigation Center's (NEIC) "Enforcement Strategy, Hazardous Waste Exports" (March 24, 1988). NEIC works in conjunction with U.S. Customs to detect violations involving the export of hazardous wastes and to refer cases to EPA Regions for appropriate enforcement response. Regions are encouraged to cooperate fully with NEIC by maintaining an effective information exchange. NEIC should be informed of the progress and/or outcome of all referred cases. In addition, Regions should notify NEIC prior to initiating enforcement actions that involve hazardous waste export violations.

7. Toxicity Characteristic (TC)

The universe of RCRA generator and TSD facilities is expected to increase significantly due to the revised Toxicity Characteristic (scheduled for promulgation in Spring 1990). As a result, Regions and States will be performing additional inspections and overseeing corrective action at many of these facilities. OWPE will issue an enforcement strategy to assist Regions and States in establishing appropriate enforcement responses to the TC rule.

8. Industrial Boilers and Furnaces

The Industrial Boilers and Furnaces Rule is projected to be effective in FY 1991. Facilities may be required to demonstrate compliance with interim status standards within one year of promulgation. The rule is a HSWA requirement and may add significantly to the universe of TSFs requiring inspections in FY 1992. The newly regulated universe consists of an estimated 200-250 units that burn hazardous waste as fuel and/or fuels mixed with natural gas or oil. To reduce the health and environmental risk from hazardous waste derived fuel materials (HWDFM) burning, proposed regulations establish limits on feed rates to these units and risk-based and technology-based emission standards. Annual inspections are required for both industrial boilers and furnaces and hazardous waste incinerators. Conducting annual inspections at industrial burners and furnaces, in addition to other new inspection requirements, results in an increase in the inspection and enforcement workload.

9. Mixed Waste

Since regulation of mixed wastes will increase in priority, OWPE has undertaken a number of initiatives to facilitate RCRA compliance at facilities handling mixed waste. In conjunction with OSW, the Nuclear Regulatory Commission, (NRC), and Regional and State staff, OWPE is developing a mixed waste inspection guide to address key aspects of mixed waste inspections. This guidance will be available in FY 1991. Efforts are also underway to consolidate available information on the mixed waste universe. This data will be used in development of a mixed waste enforcement strategy. (See Section 5 for detailed information on Department of Energy/NRC mixed waste issues.)

B. Other Inspections

As required by the Medical Waste Tracking Act (MWTA) of 1988, on March 24, 1989, EPA promulgated regulations which established demonstration medical waste tracking programs in participating States (CT, NJ, NY, RI and Puerto Rico). In addition to requiring the development of a tracking system, the MWTA provides inspection and enforcement authorities similar to those of RCRA Subtitle C. On March 1, 1989, OWPE issued an Enforcement Strategy for Medical Waste. Although the task of implementing the tracking regulations lies primarily with the participating States, EPA is responsible for ensuring compliance by providing information and guidance to the States and enforcing the Act when appropriate. EPA involvement may be appropriate at Federal facilities when the State requests EPA assistance and in following up on regulated medical wastes transported to non-participating States and on Indian lands where there is no comparable State or Indian Tribal statute. As part of the evaluation of the demonstration program for the Report to Congress, participating States and Regions are required to periodically submit to Headquarters information on the number of inspections, enforcement actions and penalties assessed, as well as the number of exception and discrepancy reports.

RCRA delisting regulations (Part 260.20 and 260.22) allow a facility to petition EPA to delist a waste if it can show that the waste does not meet any of the criteria for which that waste was listed, and no additional factors cause the waste to be hazardous. Since 1980, 82 petitions have been granted, and of these, 23 are conditional delistings, i.e. the petitioner is required to continue testing the waste. Once delisted, waste can be disposed of in Subtitle D solid waste landfills or surface impoundments. To provide adequate oversight of delisted facilities, inspections should be conducted to determine if they remain in compliance with the terms of their exclusion. In FY 1991, each Region will be required to inspect two of its facilities with delisted wastes, with priority given to facilities with conditional delisting. Headquarters will provide a list identifying the delisted waste streams and associated

Federal Register citations. Inspectors should review appropriate FR notices to become familiar with manufacturing processes and other relevant information prior to conducting an inspection.

While not dictated by statute or specific policy, other inspections are also important to the RCRA Enforcement Program. The Regions and States have discretion in determining which other inspections to conduct, consistent with environmental and programmatic priorities. The following are among those that are encouraged: (1) inspections to support the criminal enforcement program; (2) inspections of non-notifiers; and (3) inspections of waste oil and hazardous waste fuel burners and blenders, particularly processors, for compliance with applicable standards. The RCRA Lab Audit Inspection (LAI) can be conducted to confirm that owners/operators are accurately analyzing their ground water monitoring samples. The LAI may need to be performed based on the findings of a CME/O&M inspection and will be conducted in accordance with EPA guidance.

In FY 1990 and 1991, Headquarters is planning on establishing an LAI Clearinghouse. The purpose of the LAI Clearinghouse is to provide all Regions with access to data on all laboratories that have been audited, so as to avoid unnecessary duplication of effort between Regions. Since the success of the clearinghouse is dependent upon the cooperation of all Regions, each Region will be asked to designate a Regional contact and submit copies of all LAI reports to the clearinghouse.

C. Inspection Requirements

Quality inspections are essential to the compliance program. Proper documentation - including use of the appropriate checklists, effective oversight and review of reports - is necessary. In support of continuing efforts to improve inspection quality, Headquarters has developed a variety of inspection guidance documents and training programs.

Training and planning for training are critical to the long-term effectiveness of the compliance and enforcement programs. Section 10, Training, discusses compliance/enforcement training and new requirements.

It is important for Regions to maintain a strong oversight presence at regulated facilities. In FY 1990, oversight inspections were required at approximately 10% of the TSD facility inspections committed to in the State grant agreements and an appropriate number of inspections at generators of land disposal restricted wastes. In FY 1991, oversight inspections should be continued at the current level or increased, based upon the Region/State inspection priorities. These oversight inspections should be conducted in accordance with the RCRA State Oversight Inspection Guide (December, 1987). If significant non-compliance is discovered, the enforcement response should be

escalated to attain a return to compliance as expeditiously as possible.

EPA is placing a high priority in FY 1991 on returning regulated facilities to full compliance. Inspections must determine compliance with permits and final orders. Inspections or other documentation must confirm that return-to-compliance has been achieved. Evaluation of compliance with the base program, including closure/post-closure and financial responsibility requirements, must continue.

In FY 1991 compliance with applicable land disposal restrictions should be reviewed during all inspections. Land ban requirements for waste identification and analysis, treatment and disposal, operating records, and limitations on storage accumulation all warrant particular attention. The possibility of illegal disposal should also be considered, and appropriate enforcement follow-up taken in a timely manner.

New requirements regulating air emissions from equipment leaks and certain process vents at TSD facilities will become effective during FY 1990. The Air Emission from TSDs - Accelerated Rule, which is a HSWA requirement, is projected to be promulgated in early 1990. An enforcement strategy for this new rule is in progress and should be completed by FY 1991.

Enforcement Response

The Agency has established a policy that timely and appropriate enforcement action be taken whenever violations are detected. The program's approach to timely and appropriate enforcement is set forth in the revised Enforcement Response Policy (ERP) (12/21/87). Economic sanctions must be assessed against high priority violators in accordance with the ERP.

The revised RCRA Civil Penalty Policy (RCPP) or the appropriate State penalty policy for State actions should be used to determine the appropriate dollar value of the penalty. Sanctions should be selected in accordance with State or Federal law, with the goal being to deter non-compliance. The RCPP stresses that proposed penalty amounts and penalty amounts accepted in settlement (including upward and downward adjustments in these figures) must be thoroughly documented through use of revised penalty computation worksheets. States that do not have an administrative means of taking a formal enforcement action and imposing economic sanctions will need to address high priority violators by taking prompt judicial action.

When authorized States are unable to take an enforcement action and can provide justification, they may request that EPA take the action. When a State enforcement action is not timely and/or appropriate, EPA may consider Federal action, and/or other measures (e.g. grant sanctions), especially when the violator in question is a high priority violator who remains out of compliance.

It is important to emphasize that the enforcement response does not end with the initial enforcement action (e.g. issuance of an enforcement order). The initial action must be accompanied by a continued commitment to an appropriate level of follow-up to achieve an expeditious return to compliance. The RCRA enforcement program's ability to take timely and appropriate enforcement and to properly follow-up has come under scrutiny over the last several years. Recent inquiries by the Inspector General (IG), General Accounting Office (GAO) and Congress have focused on the enforcement program's ability to track and return regulated facilities (particularly LDFs) to full compliance. Efforts are underway to determine the major factors affecting the schedules required to achieve full compliance and to implement appropriate measures to improve the return to compliance rate. Regions must ensure that enforcement actions are aggressively tracked and schedules of compliance are adhered to or appropriately escalated enforcement taken. Regions must oversee the States to ensure they do the same. Beginning in FY 1991, a reporting measure designed to track efforts to return regulated facilities to full compliance is added to the existing accountability system.

Priorities for enforcement actions are as follows:

1. <u>Handlers with violations, releases, or threatened releases which may present an immediate threat to health or environment.</u>

   A number of enforcement tools are available to the Regions and States (e.g., RCRA §§3013, 3008(a), 3008(h), 7003, or State equivalent), depending on the circumstances. Where specific criteria are met, use of these authorities is encouraged. Consideration should also be given to the use of CERCLA §104 or §106 response authorities, TSCA §7 authority and/or other appropriate EPA or State authority.

2. <u>Commercial facilities receiving CERCLA Wastes.</u>

   Where necessary, in accordance with the Off-Site Policy, priority attention should be given to compliance and corrective actions needed to assist in maintaining CERCLA-acceptable treatment and disposal capacity.

3. <u>Land disposal facilities.</u>

   Enforcement actions will be taken to address handlers who place hazardous waste in surface impoundments which do not meet minimum technology requirements, in accordance with the Surface Impoundment Retrofit Enforcement Strategy.

   Appropriate actions are to be taken against operating permitted and interim status facilities, as well as closing land disposal facilities to assure proper closures, enforce corrective action schedules, assure compliance with Final

Orders and address high priority violators. Continued compliance with ground water monitoring requirements is essential to assure that releases to ground water are detected. Violations of financial assurance requirements are to be addressed in accordance with applicable guidance.

As noted in Section 2, facilities which closed-by-removal without complying with the Part 264 standards will need to be addressed either through a post-closure permit or an enforcement order.

4. Corrective action requirements.

Regions, with appropriate assistance from States, must act aggressively to achieve corrective action at TSD facilities. Active State participation in the RCRA corrective action program is critical to its success. (See Section 4 for a more detailed discussion of State participation in corrective action). In FY 1991, the emphasis is on the following corrective action activities:

- o Use of Environmental Priorities Initiative (see Section 4) to evaluate relative priority of sites;
- o Revising accountability measures to track progress toward achieving milestones further along the corrective action pipeline;
- o Addressing substantial violations of corrective action requirements in a permit or order;
- o Use of enforcement authorities when necessary to obtain corrective action at environmentally significant facilities, including use of §7003 to initiate or compel corrective action in response to imminent and substantial endangerment; and
- o Compelling interim measures, when warranted, prior to or during implementation of a corrective action program.

5. Land Disposal Restrictions (LDRs)

The Second Thirds Rule became effective on June 8, 1989. The Final Thirds Rule takes effect on May 8, 1990. After that date, the "hard hammer" will be in effect for all RCRA hazardous wastes for which treatment standards have been promulgated. With certain exceptions, land disposal of listed wastes is prohibited unless treatment standards are met prior to disposal. Where TSD facilities or generators are found to have substantial violations of the land disposal restrictions, enforcement is a high priority. The most substantial violations are:

- For generators (including generating TSDs): shipping waste exceeding treatment standards or prohibition levels to land disposal facilities without notification of need for treatment;

- For treaters (who have inadequately treated wastes): directing waste exceeding treatment requirements to land disposal; and

- For disposers: disposing of wastes exceeding treatment standards or prohibition levels.

Other serious violations are the falsification of records and the illegal dilution of waste by any handler. These warrant criminal investigation and enforcement.

LDR data analysis has shown substantial variation among Regions in the classification of LDR violations. To promote consistency among Regions in classifying LDR violations, Headquarters is developing an LDR violation classification guide. The document will be available in FY 1990.

6. Federal facilities

Authorized States will have the lead in enforcement for Federal handlers. However, the Region must take action if a State declines or is unable to take appropriate action against a high priority violator. (See Section 5 for a complete discussion of enforcement at Federal facilities).

7. Criminal enforcement

The basic goals of an enforcement program are to achieve compliance and to punish non-compliant behavior as quickly as possible in order to provide effective deterrence against future violations. Criminal violations involve knowing violation of regulatory or statutory prohibitions. Because of the publicity and stigma attached to a criminal conviction, criminal enforcement is a very effective tool. Increased restrictions on the land disposal of hazardous waste and increasing disposal costs create greater potential for criminal activities. Criminal case development and prosecutions should be given increased emphasis. OWPE will coordinate with the Office of Enforcement on developing a criminal enforcement strategy.

8. Other important enforcement activities

Other significant violations at handlers should be addressed as resources allow.

- The permit program should be supported by taking actions against treaters and storers submitting late or incomplete

part B applications. Discretion should be used in choosing between permit denial and enforcement.

- The Waste-as-fuel and used-oil-as-fuel regulations should be enforced, especially at waste oil processing facilities.

- Efforts to identify non-notifiers should be increased, especially for generators of newly regulated waste streams, such as mining waste and waste exhibiting the toxicity characteristic.

- Efforts to verify the extent of generator compliance with waste minimization provisions should be increased.

Pollution Prevention

EPA's pollution prevention policy identifies this area as a major priority and commits the Agency to implementing comprehensive pollution prevention plans for all media programs.

Through RCRA, Congress has declared a national policy of reducing or eliminating the generation of wastes to the greatest extent possible. The OSWER Strategic Plan for FY 1992-1995 identifies minimizing the generation of wastes as a primary goal. In a January 19, 1990 memorandum, the Office of Enforcement and Compliance Monitoring (OECM, which is now the Office of Enforcement) targeted pollution prevention as an area of increased emphasis for the national RCRA enforcement effort over the next 2-3 year period.

The RCRA enforcement program is committed to supporting pollution prevention and waste minimization by providing incentives for the regulated sector to establish such programs and thereby reduce its potential liability and shelter itself from increasing response and cleanup costs. OWPE will seek opportunities to promote pollution prevention directly, through specific enforcement actions taken against individual non-compliers. Below are some areas targeted for implementation in FY 1991.

1. <u>Waste minimization</u>

   Generators of hazardous waste must certify that they have a waste minimization program in place. While this requirement has been largely signatory, Regions/States should increase efforts to verify compliance with this provision. To this end, Regional inspectors should be encouraged to verify that generators have properly complied with this requirement. EPA's "Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program" can be used by inspectors to verify the extent to which generators have complied with this provision.

2. Enforcing Pollution Prevention in Permits

Permitting programs represent a huge potential for institutionalizing pollution prevention. The national RCRA enforcement program is exploring opportunities for promoting pollution prevention and waste minimization through enforcing compliance with provisions which increasingly are being incorporated into RCRA permits. Regions should look for appropriate opportunities to pursue enforcement of these provisions.

3. Pollution Prevention Requirements in Enforcement Settlements

EPA has had a policy on including environmental auditing provisions in enforcement settlements since 1986. When appropriate, violators can be required to conduct waste minimization audits as a condition of settlement. These provisions have been successful in identifying root causes of noncompliance and preventing future environmental harm. By committing to conduct an audit a violator may, in certain circumstances, be considered for reduced penalty assessments.

Headquarters is developing similar policy and guidance on inclusion of pollution prevention requirements in Agency enforcement settlement agreements. Settlements will emphasize source reductions or recycling activities over and above what is required to return facilities to compliance. The policy will be used to determine appropriate pollution prevention conditions for consent orders and decrees.

The RCRA program will continue examining the feasibility of promoting pollution prevention through enforcement activities. Regions and States are encouraged to seek opportunities to integrate the waste minimization/pollution prevention initiatives discussed above into their compliance monitoring and enforcement priorities.

3.4 Major Activities

Headquarters:

- Develop and present training (See Section 10).
- Develop new regulations, policy, guidance and enforcement strategies.
- Coordination, liaison, and assistance.
- Provide case support when necessary.
- Provide technical assistance to the Regions, where appropriate.

Regions and States:

- Inspect TSD facilities and generators as described above.
- Initiate judicial and administrative enforcement actions. Follow through on previously initiated enforcement actions. Identify, refer, and support criminal cases where appropriate.
- Oversight of State compliance monitoring and enforcement programs.

4.0 CORRECTIVE ACTION

4.1 Program Objective

The RCRA corrective action program initiates owner/operator activity through permits and enforcement orders to obtain corrective action for releases of hazardous waste or hazardous constituents. The program also oversees owner/operator activities to assure timely and effective cleanup in accordance with terms contained in permits and orders. Although corrective action is not a new program, it is receiving increased emphasis.

4.2 Relation to FY 1990 RCRA Operating Guidance

Major initiatives:

- o Maximize State participation;
- o Implement the Corrective Action Outyear Strategy, with particular emphasis on setting oversight priorities to maximize environmental results and conducting oversight; and
- o Revise the Corrective Action Accountability Systems to reward environmental results.

Continued emphasis on:

- o Implementing the Environmental Priorities Initiative.

4.3 Overview of Activities

A. Balancing Corrective Action and Preventative Waste Management Activities

The corrective action program, although extremely important, is only one of the many components needed to maintain a complete hazardous waste program. The strategy for managing the corrective action program must be developed with full understanding of the many competing demands for the resources devoted to the entire solid and hazardous waste management program. The Corrective Action Outyear Strategy (CAOS) recommends that, in light of an expanding RCRA program and limited resources, the RCRA Operating Guidance explicitly describe the appropriate national balance between the preventative waste management program and the corrective action program, while allowing for some Region-by-Region flexibility. This operating guidance identifies a resource split between the "preventative" and "clean-up" components of the RCRA Subtitle C program (see Section 1). These resource guidelines, given the President's FY 1991 budget submission, are:

- o For Regions, 20-25% of the FTE and a sufficient amount of extramural resources to support these intramural activities should be allocated to corrective action activities.

- For States, a national goal of approximately 15-20% of the State Grant Funds should be allocated to Corrective Action.

The national goal for the States is to be used as a general guideline for the Regional allocation of State resources to corrective action activities in FY 1991. Although the actual percent of State grant funds which are allocated to corrective action will vary from State-to-State, the Regions should adhere generally to the proportion of the regional budget which is allocated for cleanup activities. Some variation is expected based on the number of unauthorized states in a given Region. These percentages are not intended to be strict targets; yet they reflect a general sense of the proportion of the program's resources that should be directed to corrective action. They should be used as a starting point for Regions in making decisions on STARS, State grants, and other program and management elements.

Many factors enter into the ultimate allocation of resources: Regional and State priorities, emergency actions, State and geographic-specific considerations and others. These resource guidelines will be used as a means of clarifying expectations for establishing Regional STARS targets.

B. The Environmental Priorities Initiative

EPA is committed to assuring that its limited resources are focused on the worst facilities. The Environmental Priorities Initiative (EPI) is designed to assure that this takes place. The EPI is an integrated RCRA/CERCLA effort that will enable the Agency and authorized States to identify, evaluate, and cleanup first those sites that present the greatest threat to human health and the environment.

Under EPI the Agency will use the most appropriate authorities available to achieve cleanup at a site. Superfund uses a process to screen a large number of sites, with known or threatened releases, to determine which sites present the most serious environmental problems. By applying this process to certain RCRA sites, those RCRA sites that present the worst environmental problems can also be systematically identified for priority action. Through the use of joint RCRA and CERCLA corrective action authorities, these sites can be addressed quickly and efficiently. Through this approach, the EPI will help prevent RCRA transportation, storage, disposal (TSD) facilities from becoming tomorrow's Superfund sites. The creation of such an integrated process for assessing and cleaning up RCRA sites is consistent with the Agency's mission to protect human health and the environment.

The initial focus of EPI was on the following types of facilities:

- Closed or closing RCRA storage, treatment, and land disposal facilities; and

o Operating RCRA storage and treatment facilities.

The Agency committed to performing 3,000 Superfund Preliminary Assessments during three fiscal years beginning with FY 1989. Although there have been some start-up delays, and funding and implementation difficulties, EPI will receive full support during FY 1991. In FY 1988 the Regions and States identified and set priorities for the RCRA facilities that were part of this universe. During FY 1989 the Regions and States began performing Preliminary Assessments (PA) at RCRA facilities.

The PAs provide an estimate of the sites' environmental significance. This estimate will include a preliminary score based on CERCLA's Hazard Ranking System (HRS). Those sites that do not meet the HRS cut-off will be handed back to the RCRA program for enforcement or permitting. Most of the remaining facilities will receive a Site Investigation/RCRA Facility Assessment (SI/RFA). On January 31, 1989, J. Winston Porter signed the Guidance for Environmental Priorities Initiative (EPI) Facilities in the Superfund Pre-Remedial Program (OSWER directive # 9932.1) which provides guidance to the Regions as to how RCRA facilities should be managed in the Superfund Pre-Remedial Program.

In order to accommodate the EPI, the SCAP (Superfund Comprehensive Accomplishments Plan) target for screening site investigations (SSI) has been increased by 1200 SSIs for the three year period (FY 1989-91). The SI/RFA will be comprised of elements of a Superfund SI under CERCLA and a RFA under RCRA. It will be accompanied by a preliminary HRS score that will allow it to be assigned a priority ranking for corrective action. Once performed, the SI/RFA will provide a basis for corrective action. The Regions and authorized States will apply these corrective action authorities available under RCRA and/or CERCLA, as well as any other appropriate Federal or State cleanup authorities, to assure that a site is cleaned up.

C. Corrective Action Outyear Strategy

Many of the initiatives discussed in this Operating Guidance for FY 1991 are derived from the Corrective Action Outyear Strategy. This strategy was developed during FY 1989 and was transmitted to the Regions in October 1989. The Outyear Strategy was developed to establish a set of operating principles to manage the corrective action program over the mid- to long-term. The Strategy document contains a range of recommendations, from those which can be implemented immediately, to those which will require further guidance, discussion and/or resolution. Recommendations were made in seven areas. Each of these areas is outlined briefly below. Three of the Strategy's recommendation areas are the basis for FY 1991 major initiatives in this Operating Guidance: Prioritizing and Managing Facilities Into and Through the Pipeline, Maximizing State Participation, and Revising the Corrective Action Accountability Systems.

1. Balancing Preventative Waste Management and Cleanup

The Outyear Strategy recommended clarification of the appropriate split between the preventative waste management program and the corrective action program under RCRA. This has been implemented in this Operating Guidance (See this Section above and Section 1). In addition, this portion of the Outyear Strategy addresses the need for a four-year or long-term plan for the corrective action program. This idea will be reviewed in light of the Agency's recent (Fall 1989) strategic planning efforts, and will be addressed during the RCRA Implementation Study.

2. Prioritizing Facilities Into and Through the Pipeline

Careful feeding of the "pipeline" and aggressive, yet reasonable progress through the "pipeline" is a goal of the corrective action program. Factors affecting prioritization and several operating principles developed through the Outyear Strategy are discussed in D.1 below.

3. Managing Facilities Within the Pipeline

The Outyear Strategy suggests several approaches for managing the Corrective Action "pipeline" and identifies specific oversight techniques which may be used, depending on several facility-specific factors. In FY 1991, Regions and States should conduct oversight of corrective action at their facilities to ensure work is proceeding in accordance with permit or order requirements and is in keeping with the oversight approaches contained in the Outyear Strategy. Regions are encouraged to place increased emphasis on moving high priority facilities that are now in the study phase to the cleanup phase of the process.

4. Identifying Alternative Resources

This section of the strategy offers several longer-term suggestions, some of which would work to achieve a greater level of owner/operator support of Agency oversight. The broader issues of resource distribution methods and alternative sources of program funding are likely to be further scrutinized in the RCRA Implementation Study and the RCRA reauthorization process. This Implementation Study effort is still underway, at the time of printing; therefore, specific issue suggestions and recommendations are not available.

5. Retaining Experienced Personnel

The Outyear Strategy identified the importance of retaining experienced, trained, and dedicated personnel to manage the corrective action program. OSW will review the new Superfund employee retention package and determine its impact on the RCRA

program and the potential for a similar effort for RCRA corrective action personnel. If such a long-term effort is determined feasible and necessary, Headquarters and the Regions will work to implement this task during FY 1991. In the meantime, Headquarters is reviewing the ability of the Regions to upgrade RCRA personnel using Superfund personnel management guidance on a case-by-case basis.

6. Maximizing State Participation

Active State participation in the RCRA corrective action program is critical to its success. The Outyear Strategy suggests a mixture of short-term and long-term initiatives for enhancing state participation. The section below on state participation details those which are, at present, relevant to the FY 1991 operating year.

7. Revising the Corrective Action Accountability Systems

The Outyear Strategy identifies the need for several important changes to be made in the reporting, accountability and resource distribution systems for the corrective action program. The FY 1991 RCRA Operating Guidance contains several new initiatives in this area, as discussed below.

D. Major Corrective Action Initiatives in Detail

1. Prioritizing and Managing Facilities Into and Through the Pipeline

In FY 1991, the primary focus of Regional and State activities in the area of corrective action should be one of obtaining environmental results (i.e., actual cleanup activities), and on moving environmentally significant facilities through the investigation phases toward making cleanup decisions consistent with overall program priorities. Interim measures should be initiated, where feasible, to address situations where cleanup action is urgent or where remedial solutions are obvious. The highest priority for attention and for resource expenditure, should be those facilities with the most serious environmental concerns.

Prioritization should be used to control both the flow of facilities into the pipeline and the order in which sites are addressed at every stage of the corrective action process, with priority based primarily on the severity of the environmental problems at a given site. Therefore, facilities with the most severe environmental problems should be addressed first at each stage of the corrective action process. In addition, there should be increased emphasis on moving high priority facilities from the study phase to the cleanup phase of the process.

Regions should review carefully those facilities for which a permit has been issued and an RFA completed. Of the facilities

at this stage and for which corrective action is ultimately necessary, the Regions should impose RFIs only for those facilities with the most pressing and significant environmental concerns. Facilities at which the environmental concerns are not as great should be placed on a corrective action compliance schedule which reflects this decreased significance.

We expect Regions to actively prioritize their corrective action universe and to re-evaluate these priorities on an on-going basis. Active prioritization is important. The dynamic nature of this program makes it such that a high priority facility or site at one stage of the corrective action process may be of a lesser priority at the next stage. In some cases it may be necessary to reprioritize a facility and to devote few, if any, oversight resources. However, we recognize that this may be difficult in many cases, and that political and local public pressure may prevent such a shift in priorities. However, if a Region chooses to reprioritize a facility, due to the environmental significance of another facility, Headquarters will support their decision. Ideally, each facility would be ensured the funding throughout the entire corrective action process; however, in a program with limited resources, an "environmentally significant" priority plan must be a major operating principle.

Regions and States should manage the corrective action process, including tracking the selection of remedy decisions and associated milestones, preferably through the use of the RCRIS corrective action module.

2. Maximizing State Participation

In FY 1991, Regions should place an increased emphasis on enhancing States' participation in the corrective action program. As mentioned above, approximately 15-20% of RCRA State Grant funds nationally should be devoted to supporting State corrective action activities. Accordingly, Regions will be expected to allocate that proportion of the Region's total state grant monies to meet the following objectives:

- support authorized State corrective action progress;
- fund State activities in support of regional corrective action work; and
- generally build State capabilities in this program area.

Specific activities which could potentially be funded (particularly in un-authorized states) include:

- performing RFA's;
- writing corrective action permit conditions and corrective action orders;

- reviewing RFI and CMS plans and reports;
- on-site oversight of investigations or other owner/operator corrective action activities;
- other oversight activities; and
- training of state staff.

The exact amount of any particular State's corrective action grant allocation should be negotiated individually. The State Grant Formula for FY 1991 (See Section 8) is similar to that for FY 1990. However, the proposed increase in funding for corrective action will be devoted to a corrective action set-aside. Money in this set-aside should be used exclusively for corrective action activities. The formula for Regional distribution of the set-aside emphasizes the importance of State authorization by awarding an added amount to Regions based on the number of States with corrective action authorization. Although there are many states who are actively involved in clean-up activities not under RCRA purview, the Agency feels it is important to provide an incentive for States to assume full responsibility for the corrective action program.

3. Revising the Corrective Action Accountability Systems

A long-term goal of the corrective action program accountability system, is to be able to measure corrective action progress in terms of environmental results and not just by administrative accomplishments (e.g., RFI Imposed or CMS Completed). The current system, the Strategic Targeted Activities for Results System (STARS), is limited to providing only a count of programmatic achievements. Ultimately STARS should be able to incorporate a level of flexibility which could reflect different facility configurations, geographic-specific situations, and other factors which vary from Region-to-Region. The changes made for FY 1991 are a first step toward achieving this flexibility within the current scope of STARS.

The Agency will always need to be able to present quantitative corrective action progress to Congress, the public, and the regulated community. However, in FY 1991, the Regional negotiations, the process targets, and the narrative information collection (discussed below) will give a better qualitative context to these corrective action numbers than has been available in the past.

a. FY 1991 STARS Targets and Regional Negotiations

In FY 1991, the Regions will report, in RCRIS/HWDMS/CARS, movement through the corrective action process using three targeted stages. These three stages are: Information Collection and Study, Remedy Development and Selection, and Remedial

Implementation. Each of these targeted measures is associated with several steps in the corrective action process, as follows:

Stage I: Information Collection and Study consists of: RFI Workplan Approved and RFI Completed.

Stage II: Remedy Development and Selection consists of: CMS Workplan Approved, CMS Completed, Remedy Selected, and Corrective Measures Design Approved.

Stage III: Remedial Implementation consists of: CMI Workplan Approval, and CMI Completed.

The targets for these three stage measures will be negotiated on a Region-by-Region basis. Particular attention will be given to the regional prioritization of facilities (as discussed in Section D1), program capability, and the medium to long-term relationship between resources and expected workload to assure proper management.

These targets will be set for the 2nd and 4th Quarters. Each target will be based on the number of facilities which each Region feels they will be able to move <u>from</u> one stage <u>to</u> the next along the corrective action pipeline. For example: a facility which starts the year at the RFA position (a corrective action step which is prior to Stage I), but for which the Region believes will receive an approved RFI workplan (an activity in Stage I) during the first half of the fiscal year, should be represented by a Q2 target in the Information Collection and Study Phase (Stage I). Likewise, a facility which the Region believes will move from Remedy Selected (Stage II) to CMI Workplan Approved (Stage III) by year-end, should be represented by a Stage III target in Q4.

A facility that moves two Stages in a given year, should receive a target for both. However, movement from activity to activity within a stage will not count toward the target for that stage. For example, a facility that starts the year at CMS Completed and achieves a Remedy Selection, a move from one activity to another within Stage II, will not count toward the Stage II target.

This proposal is an attempt, at the Regions request, to get away from step-by-step targeting and to stress movement through the pipeline as the most important achievement. Obviously these three targeted stages will not give a complete or detailed picture of Regional progress in corrective action. Therefore, the Corrective Action Reporting System (CARS) data for each of these steps will be used to round out regional progress information for quarterly reviews and analyses. In addition, the steps will also be addressed during the Regional negotiations, as they will be the basis for the three targeted measures.

The data for all of the corrective action measures for FY 1991, including the targeted measures, will be taken directly from the Corrective Action Reporting System (CARS). Therefore, complete and accurate CARS reporting is essential for a thorough picture of the quality and quantity of corrective action work that a Region is completing.

The target change process will remain the same (RA level memo, with an April 30th deadline) as in the past. Yet, the Regions will have the flexibility to change the facilities represented by the targets throughout the year, and will only need a target change if the actual number of facilities, which are scheduled to move into a given stage, changes.

Interim measures, RCRA Facility Assessments and RFIs Imposed are not a part of the three phase targets. RFAs and RFIs Imposed are not targeted or reported in STARS because Headquarters wants the Regions to utilize prioritization principles in adding facilities to the corrective action process. Progress information for these steps will be taken directly from CARS. Interim measures are not targeted because regions indicated that they cannot accurately predict the occurrence of or need for interim measures. However, Interim Measures Required will be a report-only STARS measure for FY 1991.

The details of the targeting system and Region-by-Region negotiations will be expanded upon in follow-up memoranda.

b. Narrative Corrective Action Information

In FY 1991 OSWER will continue (the first data collection will be initiated in Spring 1990) collecting a brief narrative overview of the facilities at which actual clean-up corrective action activity is underway (i.e., activity other than study). The model for this narrative data collection (Corrective Action Periodic Progress Report) was developed by the Corrective Action Outyear Strategy (CAOS) workgroup. This information will provide a picture of the actual progress being made toward clean-up of RCRA facilities. In addition, the information will help facilitate the Region-by-Region STARS target negotiation process.

E. Corrective Action Regulations

The Subpart S regulations should be proposed soon and the final rule should be promulgated within 12 - 18 months thereafter. Until that time, the draft regulations should be considered the latest guidance for implementing corrective action under RCRA (both procedurally and substantively) and should be utilized, in addition to other guidance, such as the Corrective Action Plan and the Corrective Action Outyear Strategy, in developing

corrective action conditions in permits and enforcement orders and in making cleanup decisions at facilities.

4.4 Major Activities

Headquarters:

- Implement CAOS: Increase efforts to retain experienced personnel, explore resource alternatives, and aid the maximization of state participation in the corrective action process.
- Develop and present training (See Section 10).
- Develop policy and guidance.
- Provide case support where appropriate.
- Facilitate/support EPI approach.
- Provide technical assistance to the Regions where appropriate.
- Promulgation of the Final Subpart S Rule.

Regions and States:

- Oversee owner/operator corrective action activities.
- Obtain corrective action through issuance of orders and permits.
- Regions oversee State corrective action activities.
- States commit to corrective action activities.

5.0 FEDERAL FACILITIES AND MIXED WASTE

Note: As this document went to print, there was a "Green Border" reorganization package under review which proposed a consolidation of various media program Federal facilities enforcement and compliance functions at Headquarters within a new Office of Federal Facilities Enforcement (OFFE) in the Office of Enforcement (formerly the Office of Enforcement and Compliance Monitoring). When the reorganization is completed, OFFE will be issuing supplemental FY 1991 operating guidance. The OFFE guidance will be issued by April 13, 1990 along with the other supplemental guidance documents developed by each program office.

5.1 Program Objectives

The objective of EPA and State activity at Federal facilities is to ensure that these facilities afford the same degree of environmental protection as is required of other hazardous waste handlers.

The objective of EPA and State activity at mixed radioactive and hazardous waste facilities is to ensure compliance with RCRA. State authorization for mixed waste is key to obtaining this objective and is the top priority for the mixed waste program. The mixed waste facilities of concern are the Department of Energy facilities and commercial facilities regulated by the Nuclear Regulatory Commission or its Agreement States.

5.2 Relation to FY 1990 RCRA Operating Guidance

(a) Federal Facilities

Greater emphasis on:

- The timely settlement of compliance agreements and final orders at Federal facilities;
- The issuance of actions against contractor operators of government owned facilities; and
- The issuance of appropriate corrective action/remedial action orders at the worst non-NPL Federal facilities that pose a threat to human health and the environment.

Continued emphasis on:

- The application of EPA's timely and appropriate enforcement criteria at Federal facilities;
- Use of the A-106 process;

- The issuance of permits to facilities treating, storing or disposing of hazardous waste; in particular, the new facilities for incineration of chemical warfare agents; and

- The integration of RCRA and CERCLA at Federal facilities.

(b) Mixed Waste

Greater emphasis on:

- Identifying the scope of the mixed waste universe in each State; and

- Processing permit applications for mixed waste storage, treatment or disposal facilities giving priority to those facilities which will provide new mixed waste capacity.

Continued emphasis on:

- Authorizing States for mixed waste.

5.3 Overview of Activities

(a) Federal Facilities

Application of EPA's Timely and Appropriate Enforcement Criteria

The enforcement priorities in Section 3 apply to Federal facilities. Authorized States have the lead on enforcement for Federal handlers. States should apply the same criteria, mechanisms and processes for proceeding against a private handler in non-compliance with RCRA requirements to Federal facilities in non-compliance.

EPA's process for proceeding against a Federal facility is outlined in the January 25, 1988 memorandum entitled "Enforcement Actions Under RCRA and CERCLA at Federal Facilities." EPA will take action at a Federal facility when a State refers the case to EPA for action and provides justification for the referral or when a State fails to take action in a timely manner as described in EPA's Enforcement Response Policy.

Elevation Process

Headquarters is placing a high priority on the timely resolution of compliance issues at Federal facilities. The negotiation of Federal Facility Compliance Agreements (FFCA) should not exceed 120 days. If issues are not resolved within this time period as outlined in the March 24, 1988 memorandum on the "Elevation Process for Achieving Federal Facility Compliance Under RCRA," the unresolved disputes should be elevated to EPA Headquarters. The 120 day negotiation deadline and subsequent elevation of unresolved issues should be clearly outlined in the Notice of Noncompliance. The Regions should also encourage the States to resolve compliance

issues at Federal facilities in the same period of time and notify Federal agencies of negotiation deadlines up front. The Federal Facilities Hazardous Waste Compliance Office (FFHWCO) will prepare quarterly reports on the status of enforcement response at Federal facilities.

Actions Against Contract-Operators of Government-Owned Facilities

Headquarters will continue to encourage and support the issuance of actions against contract-operators of government-owned facilities as a viable enforcement option for achieving compliance at Federal facilities. The FFHWCO is providing more guidance on this issue during FY 1990.

Integration of RCRA and CERCLA at Federal facilities

Federal facilities that treat, store or dispose of hazardous waste will need to obtain RCRA permits. The Regions and States should continue to develop permits (including post-closure permits) for Federal facilities in accordance with the priorities established in Section 2.3. These permitting activities may include evaluating corrective action needs, developing schedules of compliance, targeting public involvement, and approving closure plans. Facilities at which new chemical warfare agents incinerators will be located should be priorities for permit issuance/modification actions in support of Congressional and internationally set deadlines.

Many Federal facilities subject to RCRA corrective action are also being evaluated and listed on the National Priorities List when appropriate, as discussed in the "Federal Facility Listing Policy" (54 FR 10520). At such facilities, RCRA corrective action needs must be coordinated with Superfund activities. The Regions should develop a strategy for integrating the RCRA and CERCLA cleanup authorities at each of their priority Federal facilities. When developing a plan for action, the following factors should be considered: NPL status of the Federal facility, status of the RCRA permit, the type of release (e.g., hazardous waste, radioactive, or mixed waste), and the level of State participation at the facility.

There are several different statutory mechanisms that EPA and the States can use as a basis for developing a comprehensive strategy for addressing RCRA corrective action and CERCLA remedial action at Federal facilities. These mechanisms include RCRA corrective action orders under Sections 3008(h) or 3013, the corrective action provisions of a RCRA permit, administrative orders under CERCLA Sections 104 and 106, and Federal Facility Agreements under CERCLA Section 120. The January 25, 1988 memorandum on "Enforcement Actions Under RCRA and CERCLA at Federal Facilities" describes each of these tools in more detail. Model language for Federal Facility Agreements with both the Department of Energy (DOE) and the Department of Defense (DOD) under CERCLA Section 120 is also available. It is important that the RCRA and CERCLA programs

communicate and coordinate their activities. States should be asked to participate in developing the facility specific strategies for integrating RCRA and CERCLA. The FFHWCO will be providing more guidance on this issue during FY 1990.

For Federal facilities that will not be listed on the NPL and may not be seeking a RCRA permit, the Regions and the States should determine the need to take action at the facility based on the threat it presents to human health and the environment. The appropriate factors and mechanisms to consider in developing a strategy for such facilities are the same as those for facilities seeking RCRA permits listed on the NPL. The determination of need for corrective/remedial action should be assessed in accordance with Section 4, and should ensure the worst sites are addressed first.

A-106

Regions and States should continue to review and comment on the A-106 funding levels for Federal agency proposed pollution abatement projects. The Regions and States should concentrate first on a review of compliance "Class I" projects (those projects that have either a signed compliance agreement or consent order in place to correct deficiencies cited during an inspection; or those projects which are required immediately because a statutory or regulatory deadline has passed). Secondly, within time and resource constraints, review the Class II and Class III projects. Regions and States can seek guidance from the Regional Federal Facilities Coordinator. During the January-March review period, Regional program staff should coordinate their comments with their program counterparts in delegated and authorized States.

(b) **Mixed Waste**

Mixed waste facilities are subject to both the Atomic Energy Act (AEA) and RCRA. The universe consists of two main types of facilities. Department of Energy (DOE) facilities and commercial facilities or other Federal facilities. DOE regulates itself under the AEA. The NRC or its agreement States regulates other facilities regarding AEA requirements. This discussion will focus on issues relevant to both the NRC-regulated and the DOE mixed waste universe.

Under the Federal hazardous waste program, unless excepted by statute as inconsistent with the Atomic Energy Act (AEA), all RCRA requirements apply to handlers of mixed waste [i.e., wastes that are both radioactive/regulated under the AEA and hazardous]. RCRA and AEA applicability to mixed waste results in dual regulation of these wastes. Therefore, Regions and States must work to accommodate both sets of regulatory requirements and statutory mandates within the dual regulatory framework. Mixed waste units and facilities should continue to be prioritized based on environmental benefits expected to be achieved and concomitant

statutory requirements. This includes timely authorizations and permitting and inspection priorities.

Authorized States were required to submit mixed waste authorization applications by September 1, 1988. This deadline was extended by one year for States that needed a statutory change in order to seek mixed waste authorization. Some States have applied for and received an extension of the applicable deadline. Authorized States which have not yet applied for mixed waste authorization should do so as soon as possible. This is especially critical since mixed wastes are not hazardous wastes in authorized States until the State revises its program to include mixed waste authority. States that have not submitted mixed waste authorization applications on or before December 31, 1989 should be placed on a schedule of compliance for this program revision. This is particularly important since States cannot obtain corrective action authorization without mixed waste authorization. Implementation of a viable mixed waste program, both at State and Regional levels, hinges on several activities. Of key importance is identification of the scope of the mixed waste universe. And, while the burden of regulatory compliance is on the regulated community, EPA and authorized States must develop and implement a strategy for ensuring that owner/operators of facilities that need to come into compliance with RCRA because of managing mixed waste do so in a timely manner. This can be accomplished through a multi-pronged approach to mixed waste regulation. One, EPA Regions and States need to identify not only the number of potential mixed waste handlers but obtain estimates on waste volumes to the extent practicable. This can be approached through both the authorization and permitting processes. Two, Regions and States must ensure that Part A permit applications are filed for all handlers of mixed waste and that final determinations on appropriate mixed waste permits are made a priority. And three, owner/operators that fail to submit necessary notifications and permit applications should be identified and appropriate action taken.

Because regulation of mixed waste involves multiple State and Federal agencies, the Regions must facilitate State and Federal coordination of mixed waste activities. This is necessary because a State may need to coordinate mixed waste initiatives with the Nuclear Regulatory Commission, the Department of Energy and State radiation agencies (i.e., Agreement and nonagreement State programs).

The Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA) requires States to provide for disposal of commercially generated low-level radioactive waste either independently or in compacts with other States. Such capacity must be available by January 1, 1993. States that fail to meet this deadline will be subject to substantial penalties. While the exact number of future commercial low-level waste sites is uncertain, State efforts must also include mixed waste disposal capacity since mixed waste is a subset of low-level waste. Accordingly, Regions and States need to work with the appropriate State radiation agencies to ensure

that the absence of final location standards for hazardous waste will not adversely impact siting efforts for low-level and mixed waste disposal facilities. Similarly, permitting/licensing issues should be closely coordinated between responsible agencies.

In addition, there are between 24,000 and 26,000 radioactive materials licensees; each licensee is a potential mixed waste generator. Although **limited** mixed waste disposal capacity may be available by 1993, current indications are that treatment capacity and national disposal capacity will continue to be lacking. This is critical since all untreated mixed waste will be prohibited from land disposal as of May 8, 1990, unless EPA grants a national capacity variance for Third Thirds mixed waste or unless a disposal facility has an approved no migration variance. Regions and States should therefore, encourage owner/operators of facilities that intend to provide for mixed waste disposal to seek a no migration variance where it appears feasible. Further, Regions and States should place a priority on processing permit applications for mixed waste treatment facilities to ensure mixed waste disposal capacity may be used if no migration variances are not successful.

Lastly, Regions should encourage States to seek authorization for those provisions that may impact regulation of mixed waste (i.e., permit modification rule, Christmas tree rule, Subpart X, etc.) concurrent with mixed waste authorization, if possible. This is important for States with major DOE facilities or commercial nuclear power plants.

5.4 Major Activities

Headquarters:

(a) Federal Facilities

- o Prepare quarterly reports on the status of enforcement response at Federal facilities in significant noncompliance.
- o Compile an end-of-year report on Federal facility compliance with RCRA.
- o Resolve noncompliance issues that are elevated to Headquarters in accordance with the "Elevation Policy", March 24, 1988.
- o Continue to assist Regions in the resolution of corrective action order issues.
- o Continue to provide Regional Offices with guidance on RCRA/CERCLA integration at Federal facilities.
- o Distribute A-106 draft reports to Regional Offices for comments; distribute draft OMB report to Regional Offices for comment; distribute final OMB report, as requested.

- Provide coordination of special Federal facility permitting initiatives.

(b) Mixed Waste

- Provide Regions and States with guidance to facilitate mixed waste authorization.
- Continue to provide national guidance on mixed waste policy and related statutory and regulatory clarifications.
- Develop joint licensing/permitting guidance for commercial low-level mixed waste disposal facilities.
- Develop and offer a national mixed waste workshop.
- Evaluate petitions for mixed waste inconsistency (with AEA) variances.
- As appropriate, provide a forum for technology exchange as it applies to mixed waste units.
- Develop implementation/compliance strategy for commercial mixed waste.

Regions and States:

(a) Federal Facilities

- Apply timely and appropriate enforcement criteria to Federal facilities.
- Elevate compliance issues that are not resolved in a timely fashion.
- Continue to review and comment on draft A-106 reports and EPA's draft OMB report.
- Issue actions against contract-operators of government-owned facilities where appropriate.
- Develop permits for chemical warfare agents incineration facilities.

(b) Mixed Waste

- Ensure compliance at commercial and Federal facilities.
- Submit timely and complete mixed waste program revisions applications.
- Characterize the magnitude and scope of the commercial mixed waste universe.

- Make mixed waste activities a priority for all major Federal or commercial facilities.
- Seek Federal guidance on implementation and compliance issues of national and potential generic applicability.

6.0 MUNICIPAL SOLID WASTE

6.1 Program Objective

The objectives of EPA's municipal solid waste (MSW) program are to: (1) ensure protection of health and the environment; (2) comply with the mandates of Subtitle D of RCRA; (3) support a team approach to promote and implement integrated waste management and the Agenda for Action; (4) work toward achieving the 25% national goal of waste reduction and recycling by 1992; and (5) renew a national leadership presence through technical assistance and through information development and dissemination.

6.2 Relation to FY 1990 RCRA Operating Guidance

- o Sets forth national priorities for solid waste management as distinguished from hazardous waste management.
- o Updates activities and priorities with an emphasis on State program development and implementation of the revised Criteria for MSW landfills.
- o Adds STARS measures.

6.3 Municipal Solid Waste National Priorities

State program development and implementation of the revised Criteria for MSW landfills (Part 258) are the first priorities for Headquarters, the Regions, and the States in FY 1991. The other national priorities listed in this Section 6.3 are not ordered in terms of importance but represent a comprehensive framework for implementing the municipal solid waste program effectively. Each Region and State should determine its progress in these national priority activities and establish Regional and State priorities drawn from the major activities list in Section 6.5.

- o Enhance the Federal/State partnership by working with States to develop permit programs to ensure compliance with the revised Criteria and to develop approvable applications.
- o Promote the implementation of the revised Criteria by effectively managing the activities outlined in the final Criteria Implementation Strategy.
- o Promote the goals of the Agenda for Action, and any updates, through effective implementation.
- o Encourage source reduction activities by providing project support and technical assistance.
- o Support recycling efforts through market development and procurement activities.

6.4 Overview of Activities

State/Tribal/EPA Relationship

EPA's role in the MSW program is to facilitate State, Tribal, and local implementation of the program, including the revised Criteria. Facilitation activities include regulatory and guidance development, training, technical assistance, and information development and dissemination. EPA will focus these activities on implementation of the revised Criteria and State program development.

Revised Criteria/State Program Development

The primary focus of our activities in FY 1991 will be to prepare for implementation of the revised Criteria, including assisting States in the development of programs that meet the requirements of §4005(c) and the program implementation/approval regulations. The revised Criteria will be promulgated in final form during FY 1990. States are required to adopt and implement a permit program (or other system of prior approval and conditions) to ensure compliance with the revised Criteria within eighteen months of promulgation.

EPA currently is developing a program implementation/approval rule which is scheduled for proposal in Summer 1990. Final promulgation of the rule is scheduled for twelve months after proposal. States are encouraged to use the proposal as a basis for reviewing current programs, developing programs that will meet the adequacy determination criteria, and drafting adequacy determination applications. States should review applicable statutes and regulations to determine their adequacy to ensure compliance with 40 CFR Part 258 based on §4005(c) and the adequacy determination criteria in the proposed program implementation/approval rule.

When needed revisions have been identified, States should develop a schedule for revising their statutes/regulations and developing and submitting an application by the effective date of the revised Criteria. If requirements of a State Administrative Procedures Act extend the statutory or regulatory development process beyond the eighteen month schedule provided in RCRA, the State will need to submit a letter of intent together with a schedule for application submission. This schedule must be based on the State's Administrative Procedures Act requirements. Since the Regional Offices will be the focal point for determining the adequacy of State programs, all letters of intent, schedules, and applications are to be submitted to the Regional Offices for review and determination. The program implementation/approval rule will include submittal schedules and other requirements.

In addition to developing programs that meet the adequacy determination criteria, States need to plan for implementation of the revised Criteria. Efforts should be focused on addressing closing facilities to ensure compliance with the revised Criteria,

development of permitting and enforcement strategies, and addressing the need for continued capacity as facilities close.

In FY 1991, the President's budget recommends increasing Subtitle D Regional enforcement resources by 5 FTE. This additional resource allocation may be used by Regions to support Federal compliance monitoring and enforcement on Indian lands and/or to assist States in building enforcement authority and enhancing program adequacy.

Agenda for Action

The Agency's national strategy, "The Solid Waste Dilemma: An Agenda for Action", was issued in February 1989. An update of this strategy will be issued in the summer of 1990. The Agenda promotes an integrated waste management approach, outlines a number of MSW activities, and encourages participation by all levels of government, industry, and the public. Specific EPA activities that are ongoing for FY 1991 are outlined in the Agenda for Action and the update.

Regional Implementation Team

EPA will continue to rely on the Regional Implementation Team (RIT) as the focal point for State program development and technical assistance. Headquarters and the Regions will continue to work together as a team to enhance MSW programs and to develop and disseminate information on issues and ongoing activities.

6.5 Major Activities

Headquarters:

- Finalize the program implementation/approval rule.
- Conduct criteria implementation workshops for States and local governments.
- Continue to support development and implementation of solid waste programs on Indian lands.
- Work with Regions, States and Indian Tribes to develop training modules based on a needs assessment.
- Facilitate the implementation of the Agenda for Action, and any revisions, by States and local governments.
- Continue to work with States and the Regional Implementation Team to develop and implement MSW activities.
- Continue to facilitate peer matching.
- Continue to support national solid waste clearinghouse.

- Continue to develop and distribute information on combustion and land-filling.
- Continue to update the decision-makers guide, as necessary; continue to conduct workshops on the decision-makers guide, as necessary.
- Continue outreach and development efforts in the areas of source reduction and recycling.
- Continue tracking success in reaching the 25% waste reduction and recycling goal.
- Conduct procurement workshops in Regions and prepare and distribute final report on workshops.
- Continue national efforts on procurement and market development.
- Continue to prepare for RCRA reauthorization.
- Review State plan guidelines to determine need for revision.
- Facilitate implementation of developed solid waste curricula.
- Continue to conduct necessary solid waste research.
- Coordinate MSW's activities with pollution prevention and public - private partnership activities.

Regions:

- Work with the States to develop adequate permit programs and carry out the implementation activities detailed in the Criteria Implementation Strategy.
- Continue to support the development and implementation of solid waste programs on Indian lands.
- Provide technical assistance--including training, speeches, and presentations--to States, Indian Tribes, and local governments.
- Facilitate State and local activities in implementing the Agenda for Action, focusing on procurement and market development activities.
- Provide assistance to States and local communities as they work toward achieving the national goal of 25% waste reduction and recycling by 1992.
- Work with Headquarters, States, Tribes, and local communities to assess and address local needs; develop database on local programs.

- Continue outreach and development efforts in the areas of source reduction and recycling.
- Work with States to facilitate development of Regional market information councils.
- Participate in interagency workgroup on recycling and separation in Federal agencies.
- Continue Regional efforts on procurement and market development.
- Implement the pollution prevention project on procurement, including workshops and follow-up activities.
- Work with States to develop and implement procurement strategies.
- Continue to participate in the Regional Implementation Team.
- Update FY 1990 Regional solid waste strategies to identify ongoing activities and include new activities for FY 1991.
- Continue to provide monthly reports on accomplishments in the MSW program, including STARS measures.

States/Tribes/Local Governments (as applicable):

- Develop adequate programs, if not yet in place, and draft an approvable demonstration of adequacy.
- Carry out the implementation activities detailed in the Criteria Implementation Strategy.
- Develop strategies for implementing the revised Criteria, including permitting and enforcement.
- Focus efforts on ensuring that closing facilities comply with the revised Criteria and close in an environmentally sound manner and addressing the need for continued capacity as facilities close.
- Implement the Agenda for Action.
- Implement the procurement guidelines.
- Provide technical assistance to local governments in developing regional sites.
- Continue to work with EPA to identify and resolve implementation issues.

7.0 STATE PROGRAMS

7.1 Program Objective

The objectives of State authorization and oversight are to: (1) strengthen the Federal/State partnership; and (2) enhance implementation of the national RCRA program by the timely development of equivalent State authorities and quality State programs to ensure effective protection of human health and the environment.

7.2 Relation to FY 1990 RCRA Operating Guidance

Increased emphasis on:

- o Authorization through adding STARS reporting measure; and
- o Expeditious processing of HSWA applications.

Continued Emphasis on:

- o Maintaining State program equivalence with the Federal standards, including HSWA; and
- o Assessing and enhancing State capability to obtain HSWA authorization.

7.3 Overview of Activities

Developing State Authorities/Maintaining Equivalence

Authorized States should develop the legal authorities necessary to revise their programs consistent with the deadlines in the final State authorization codification rule (51 FR 33712, September 22, 1986). States are not precluded from applying for authorization before cluster deadlines. Extensions are available if a State demonstrates that it has made a good faith effort and that its legislative or rulemaking procedures render the State unable to meet the deadlines. The schedules for review and decisions on State applications are found in the State Consolidated RCRA Authorization Manual (SCRAM). Note that the SCRAM is being revised in FY 1990 to facilitate program revision applications. The new RCRA Authorization Manual (RAM) consists of two volumes with a step-by-step format. Volume 1 contains the application process as well as additional background information on the entire RCRA State authorization program. Models and working materials are included in the volume 2 appendices.

While States are not precluded from adopting regulations more stringent than the Federal, States are encouraged to develop State regulations consistent with new Federal regulations designed to provide capacity, promote innovative techniques, and generally streamline the program. This includes regulations addressing

mobile treatment units, Research Development & Demonstration (RD&D) permits, the revisions to the permit modification process, and the treatability exclusion for small quantities of hazardous waste. Regions are to give priority attention to these applications. Further, as emphasized in Section 5.1, the highest priority mixed waste activity in FY 1991 is to ensure that authorized States which have not as yet obtained mixed waste authorization do so.

Reviewing and Enhancing State Programs

EPA must review the States' progress in implementing quality RCRA programs and work with the States to enhance their capability to implement additional program elements prior to making authorization decisions for HSWA requirements. To complete these reviews, the Regions should consider grant and Memorandum of Agreement (MOA) commitments as well as any enforcement or permit agreements between the Region and State.

Ongoing, comprehensive evaluations of State RCRA programs are an integral component of the Regions' oversight responsibilities. These reviews are to determine where a State may need additional assistance, such as training, and to identify highlights of a State's program that may be useful to other States. The Regions are encouraged to use the following documents in reviewing State programs:

- Capability Assessments for RCRA Authorization Program Revisions (April 9, 1987);
- RCRA Quality Criteria (revised July 1986);
- Protocols for evaluating permit quality and closure/post-closure plans (August 1986); and
- Enforcement Response Policy (December 21, 1987).

The Region should determine the frequency and method of review based on the State's capability and need for assistance. States should receive at least one comprehensive, on-site review during each fiscal year. The RCRA Program Evaluation Guide (July 1988) provides guidance on conducting oversight reviews. To assist with program reviews, a joint Headquarters/Regional training program for Regional and State staff was developed in FY 1990 on grant negotiation and program evaluation.

7.4 Major Activities

Headquarters:

- Support Corrective Action Outyear Strategy (CAOS) activities aimed at increasing the State role in corrective action (see Section 4).
- Continue to review authorization applications.

- Propose and/or finalize regulations or policies to streamline authorization.

Regions and States:

(a) Authorization

- Negotiate grant work programs that include the development of equivalent State legal authorities and complete authorization applications, as well as schedules for submissions of applications. These schedules will aid the Regions and EPA Headquarters in planning resource needs for timely application review and approval.

- After grant negotiations are completed, the Regions are to submit to the Chief, State Programs Branch, OSW, a copy of the grant and each State's schedule for modifying its program to maintain equivalence. The grant should indicate the specific resources targeted for corrective action activities (program development and implementation).

- Continue timely processing of codification of approved State programs and revisions.

(b) Program Enhancement

- Continue enhancing State program implementation through capability assessments and regular grant oversight reviews. Copies of the assessments should be submitted with draft authorization applications. Mid-year and end-of-year evaluations should be sent to the Chief, State Programs Branch, OSW.

- Negotiate a grant which dedicates approximately 3% of the grant funds to support specific training activities, particularly those costs associated with participation in core curriculum. Encourage participation in and attendance at authorization and grants workshops.

8.0 STATE GRANTS AND WORK PROGRAMS; CAPACITY ASSURANCE

8.1 Objective

This section specifies the formulas for determining FY 1991 grant allocations, addresses how the money will be disbursed to the Regions and used to implement State RCRA programs, and explains the requirements for State capacity assurance as a prerequisite to funding remedial actions.

8.2 Relation to FY 1990 RCRA Operating Guidance

- o Modifies the FY 1990 base grant formula for FY 1991;
- o Establishes a set-aside for corrective action; and
- o Adds a separate discussion of capacity assurance requirements, reflecting ongoing efforts to better coordinate CERCLA and RCRA activities.

8.3 Overview of Activities

(a) State Grants and Work Programs

Grant Formula

The FY 1991 base grant formula remains the same as for FY 1990 except that the weight for land disposal facilities increases by 5% and the weight for incinerators decreases by 5%:

$$\frac{.15\ (\text{Regional Population})}{(\text{U.S. Population})} + \frac{.15(\text{Regional LQGs})}{(\text{U.S. LQGs})} +$$

$$\frac{.35\ (\text{Regional LDFs})}{(\text{U.S. LDFs})} + \frac{.30(\text{Regional S/Ts})}{(\text{U.S. S/Ts})} + \frac{.05(\text{Regional Inc's})}{(\text{U.S. Incinerators})}$$

= Base Grant Regional Funding for FY 1991.

This grant formula will be used to distribute $81 million of the $88 million set forth in the FY 1991 President's budget request* for RCRA State grants. The proposed FY 1991 budget contains a $7 million increase for corrective action grant funds. To reflect the increased emphasis on corrective action, EPA will distribute this proposed $7 million increase through a set-aside formula. The set-aside formula includes factors for the universe of facilities, the number of RFI's imposed and the number of States authorized for corrective action:

*Note that these are requested budget levels for State grants and will not be final until the FY 1991 Congressional Appropriation (Fall of 1990).

FY 1991 Grant Set-aside Formula

$$\frac{.45\ (\text{TSDs-RFIs* Imposed})}{\text{U.S. Total TSDs - U.S. Total RFIs Imposed}} + \frac{.45\ (\text{RFIs* Imposed})}{\text{U.S. Total RFIs Imposed}}$$

+ .10 (States Authorized** for Corrective Action)

* Action taken by EPA Region or State with corrective action authorization

** Tentative or final authorization as of March 1, 1990

The Regional allocation is the sum of the results of these two formulas.

While the base grant formula also provides for corrective action activities at transportation, storage, and disposal (TSD) facilities, the corrective action set-aside provides a separate funding vehicle to encourage State authorization and to further emphasize corrective action activities. We expect to continue the use of a corrective action set-aside in FY 1992 and subsequent years to promote these objectives. In keeping with the long-term focus on authorization for corrective action, as more States are authorized for corrective action, the percentage weight for that factor should increase, thereby ensuring that those States which are carrying a greater share of the workload will continue to receive a corresponding proportion of grant funds. In FY 1992, we anticipate replacing "RFIs Imposed" as a variable in the set-aside formula with another measure further along in the corrective action pipeline.

Grant Allotments

Headquarters will provide Regional grant allotments by March 15, 1990. This Regional allotment disbursement procedure is meant to provide maximum flexibility to the Regional Administrators to fund activities which reflect national goals, individual State workloads, and special Regional and State RCRA initiatives. While Regional Administrators have the discretion to set grant amounts, State grants will continue to require at least a 25 percent match.

Grant Work Programs

As in previous years, FY 1991 grants must be performance based. (For a detailed discussion on performance - based grants, see EPA's "Policy on Performance - Based Assistance", May 31, 1985.) All grant work programs must:

- o contain quarterly commitments for permitting, compliance and enforcement, and corrective action activities;

- include the development of State legal authorities necessary to obtain and maintain equivalency with the Federal program;

- include schedules for the development and submission of authorization applications;

- provide for adjustment in activities, commitments and funding (a "reopener" clause) if certain situations (e.g., reversion of program, significant decrease in State funds, additional commitments) arise;

- address instances where a State did not meet the FY 1990 commitments or was administering its program in a deficient manner and where the remedies that will be undertaken to improve performance/correct deficiencies extend into FY 1991; and

- include special grant conditions as appropriate (e.g., disbursement of funds other than annually, as necessary).

If a State relies heavily on the State Attorney General or other law offices in order to take enforcement actions, funding should be provided to those offices. The Attorney General should participate in the grant process, through the lead State agency, but should not be made a party to the grant. However, in order to receive funding, both the lead State agency and the Attorney General should be signatories to the Memorandum of Agreement (MOA) or to a Memorandum of Understanding. As a signatory to this agreement, the Attorney General will be expected to meet the "timely and appropriate" criteria for filing referred RCRA cases within 60 days (Enforcement Response Policy, December 21, 1987). As required by EPA grant regulations, the lead State agency will be considered responsible for grant management, even though funds pass through it to the Attorney General's office.

The Regional Administrator may reprogram funds not awarded to any State into other programs which support activities consistent with national priorities (e.g., public participation and the Senior Environmental Employment (SEE) Program, the RCRA implementation contract or the Technical Enforcement Support (TES) contract). Note, however, that State monies can only be used to support the implementation of State hazardous waste programs. They may not be used to support Subtitle D program development. Nor can Section 3011 grant funds be used to implement CERCLA or UST program activities. Note that the capacity assurance program discussed below is under the auspices of CERCLA and that Capacity Assurance Plan activities (with the exception of RCRA data gathering aspects) are not eligible for Section 3011 grant funds.

(b) Capacity Assurance

Beginning October 17, 1989, the Agency will only fund remedial actions in States that have provided an assurance, through the

Capacity Assurance Plan (CAP) process, that sufficient hazardous waste capacity would exist to manage wastes generated in the State during the next twenty years.

In order for a CAP to be deemed adequate, a State must demonstrate:

- o a good understanding and description of its current hazardous waste management system;
- o reasonable projections regarding future waste generation and management capacity;
- o interstate agreements with another State or States to assure hazardous waste management capacity, if the State is dependent on management capacity outside its boundaries, and;
- o that they have or will address waste reduction and elimination.

States may update CAPs at any time. EPA recognizes that State hazardous waste systems are dynamic and that factual information or assumptions upon which a State's CAP is based may change.

We expect that future CAP submittals will contain more and better quality data as States learn from 1989/90 experience and have more time to collect data.

Regions are the primary reviewers in the CAP process, and should focus their reviews especially on those areas of the CAPs dealing with State laws, waste minimization programs and State-specific data.

If there are supplemental conditions or milestones in a State CAP, the Agency will reexamine whether the State's assurance as a whole continues to be deemed adequate when a State fails to meet a major milestone. Each Region is responsible for tracking the major milestones its States must meet.

8.4 Major Activities

(a) State Grants and Work Programs

Headquarters:

- o After verifying grant formula data with Regions, determine Regional funding amounts and distribute FY 1991 allotments.

Regions:

- o Negotiate grant work programs for FY 1991 and award grant by October 1, 1990.

- Send copies of each State's grant work program to Chief, State Programs Branch, OSW, upon execution of the grant award document by the Region.

- Track the States' progress in meeting deadlines; grant extensions to deadlines, if appropriate; and negotiate compliance schedules for those States who are unable to meet the approved deadlines.

States:

- Develop and submit draft grant work programs which meet the requirements of national and Regional grant guidance.

- Negotiate final grant work programs with the Region.

(b) Capacity Assurance

Headquarters:

- Provide guidance/clarification on CAP process and requirements as needed.

Regions:

- Continue to track major milestones for individual CAP supplemental conditions.

- Evaluate adequacy of CAP as necessary when a major milestone is not met.

- Inform CERCLA program of status of State CAPs.

- Distribute resources to States for CAP development.

- Provide feedback on revisions needed to guidance and CAP process.

States:

- Provide feedback on revisions needed to guidance and CAP process.

- Meet major milestones included in CAP supplemental conditions.

9.0 INFORMATION MANAGEMENT

9.1 Program Objective

The objectives of the RCRA reporting requirements are to obtain information necessary to: 1) effectively manage the RCRA program at the State, Regional and National levels; and 2) demonstrate the effectiveness of the RCRA program in protecting human health and the environment.

9.2 Relation to FY 1990 RCRA Operating Guidance

The total number of measures and targets in the STARS system decreases in FY 1991. New reporting measures are added for return to compliance and State program authorization. Land disposal facility (LDF) post-closure permitting changes from a reporting measure to a target, while the target for incinerator final determinations becomes a reporting measure for FY 1991. For corrective action, the traditional method of targeting one event is replaced with three targets measuring movement through the pipeline.

9.3 Overview of Activities

Reporting Requirements

EPA Regions and States will use a combination of systems in FY 1991 as we move from HWDMS to RCRIS. Regions and States will enter all required reporting data into HWDMS until they have converted to RCRIS. All corrective action will be reported through the Corrective Action Reporting System (CARS) prior to conversion to RCRIS. This data should be submitted in accordance with the monthly reporting requirements. Upon the implementation of RCRIS, Regions and States will use RCRIS forms for data entry into RCRIS. The scope of RCRIS reporting requirements will be no greater than their HWDMS counterparts.

States and Regions must submit required reporting information to EPA by the 20th calendar day of the month following the reporting period (e.g., reporting information for April is submitted by May 22nd). The Regions then have until the seventh working day of the next month to enter this State-submitted data (e.g., reporting information for April is submitted by May 22 and entered by the Region by June 9).

Strategic Targeted Activities for Results System (STARS)

The Strategic Targeted Activities for Results System or STARS (formerly SPMS) provides a way to plan and report major program goals and accomplishments. (See Appendix C for FY 1991 measures and definitions.) STARS reporting will be quarterly (e.g., October-December). However, for each quarter, there will be a one-month lag in reporting. For example, the first quarter data pull will include all data entered into HWDMS/RCRIS/CARS by the

date of the STARS retrieval. First quarter data will not include State actions occurring in December because State data is not to be entered into HWDMS/RCRIS/CARS until February. STARS data is reported cumulatively; therefore, State December data will be reported in the second quarter report. The Office of Management Systems and Evaluation will delay issuing the FY 1990 STARS report for one month so that data from the full fiscal year for States and Regions will be included. This one-month lag must be kept in mind when negotiating STARS commitments. Report forms for FY 1991 will be provided separately.

Schedule for STARS Commitments

In order to provide a review and negotiation period among OSW, OWPE, and the Regions, draft FY 1991 STARS commitments must be submitted by July 15, 1990. These commitments must be signed by the Regional RCRA Division Director and sent to the Director, Permits and State Programs Division, OSW, and the Director, RCRA Enforcement Division, OWPE.

RCRIS

EPA Headquarters has developed a framework for national implementation of RCRIS that will deal with the issue of phasing implementation over a two year period (i.e., FY 1990 and FY 1991.)

Beginning in FY 1990 (and until all States and Regions are successfully reporting through RCRIS) a mechanism will exist, called parallel operations, to report national data in a single format from States which are still operating through HWDMS/CARS and from States which have converted to RCRIS. This mechanism will be used to report STARS, grant formula distribution and other national uses of the data system.

The Regions play a critical role as direct RCRIS users, as well as having a role in supporting and coordinating the efforts of their States. Although the States have been quite well informed, largely through the efforts of the National Governors' Association (NGA), a complementary and enlarged role for the Regions has been established in communicating RCRIS information to the States. Because the States rely on two sources of information, it is critical that NGA and EPA coordinate communication efforts and speak with one voice regarding RCRIS developments.

Key Regional managers, including the Assistant Regional Administrators for Management and the Waste Management Division Directors, have been targeted for closer involvement in FY 1991 in the RCRIS development and implementation process. Under these offices, the multi-faceted audience includes RCRA Branch Chiefs, Section Chiefs, Regional Project Officers (RPOs), Information Resources Management (IRM) Branch Chiefs and Data Base Administrators. The intent of this renewed effort in Regional involvement is to assure that all Regions receive information on project status, on technical direction, and on what is expected of

the States so they can answer State questions and negotiate annual grants. Senior Regional personnel require communications on management, policy, and resource issues, while technical staff need draft and final versions of the key RCRIS products.

HQ will carry out the following activities to meet these information needs:

- Establish RPOs as central point of contact for communication to the Regions;
- Distribute periodic RCRIS implementation progress reports to full Regional audience;
- Continue to work with NGA as a vehicle for keeping States informed;
- In concert with the Regions attend meetings of RCRA Branch Chiefs & Division Directors to provide information on RCRIS status and problems;
- Disseminate all major RCRIS products to the Regions through the RPOs;
- Conduct conference calls with RPOs as needed;
- Provide two RCRIS training sessions yearly in each Region;
- Provide one Translator seminar annually; and
- Provide two user group meetings.

In order to track the phased implementation approach of RCRIS, Regions in coordination with States must update the National Implementation Framework on a quarterly basis in conjunction with the schedule of RCRIS activities.

Regardless of whether a State will conduct manual operations initially, the Regions and States must negotiate the schedule for automation. The schedule must address obtaining equipment upgrades, personnel for data review/collection, and system administration, etc. The most critical factor will be a clear understanding of the roles of the Regions and States in ensuring data accuracy and integrity. It is expected that data cleanup will continue in the RCRIS environment (data from HWDMS/CARS will be converted followed by cleanup by the Region or State using RCRIS automated tools). The completion of these "cleanup" activities will be defined by the grant negotiations.

Regions must set aside 5% of the total Regional grant allocation to support RCRIS activities in States. Regions need not allocate 5% to each State or include each State in this funding activity but should negotiate commitments and funding based on the status of a State's program and needs.

Status of RCRIS Implementation

In an ongoing effort to monitor the progress of RCRIS implementation and use across the country, Regions and States will be responsible for reporting the status of RCRIS implementation. RCRIS implementation is divided into six successive steps as defined below:

1. Have RCRIS Software.
For automated implementers, this indicates that the implementer has acquired the current version of the RCRIS software. It further indicates that the implementer has the software properly installed, has set up user accounts and established the MOU table. For manual implementers, this indicates that the necessary procedures for the communication of data to and from the Region has been established. For State implementers on the Regional Logical Mainframes (LMFs), it indicates that the telecommunications link is in place and operational. It implies that the implementer has accessed RCRIS.

2. Have converted and loaded data into RCRIS.
This indicates that the conversion of HWDMS and CARS data into RCRIS format has been accomplished and that the data resulting from the conversion has been loaded into RCRIS. It further implies that the data in RCRIS have been accessed to determine the successful completion of the load.

3. Trained.
This indicates that implementer staff have attended one of the Headquarters' sponsored RCRIS training sessions or that they have received comparable training from their Region.

4. Have begun to reconcile data.
This indicates that the appropriate reports have been run from HWDMS, CARS and RCRIS and that the comparison of the data between these systems has commenced. It further implies that the process of cleaning up the data has begun.

5. Are operating HWDMS and RCRIS in parallel.
This indicates that the implementer is inputting data into both HWDMS and RCRIS, thereby maintaining the "old" system while testing and phasing in use of the "new" system. It further indicates that the implementer is producing reports from both systems to fulfill their specific data needs. For manual States, it indicates that data is being reported in both RCRIS and HWDMS format.

6. Are using RCRIS solely.
This indicates that the implementer has ceased updating or inputting new data into HWDMS. It further indicates that the implementer is relying solely on RCRIS to manage its RCRA program on a day-to-day basis and to provide all EPA-requested reports.

Biennial Report Requirements

Biennial reporting implementation requirements for Regions and States span a two-year cycle. Throughout this two-year cycle, authorized States are responsible for program implementation activities. EPA Regional Offices are responsible for program implementation activities in unauthorized States, although States may perform the reporting tasks under a Cooperative Agreement. EPA Regional Offices also are responsible for program oversight activities in authorized and cooperative agreement States.

During FY 1990, program implementers (EPA Regions and authorized/cooperative agreement States) obtained EPA-specified data, including waste minimization data, for the 1989 calendar year from regulated generators and treatment, storage, and disposal (TSD) facilities through annual/biennial reports or other data collection mechanisms. As specified in the FY 1990 Agency Operating Guidance and subsequent implementation guidance provided by the Director of the Office of Solid Waste, implementers are responsible for ensuring that reported data are complete and accurate, for ensuring that required reports are submitted on a timely basis, and for submitting 1989 State Biennial Program Reports by November 30, 1990.

During FY 1991, implementers are responsible for responding on a timely basis to Quality Assurance Exception Reports generated by oversight of the 1989 State Biennial Program Report submissions. Quality Assurance Exception Reports identify problems in implementers' reports and/or reporting data that must be resolved in order for EPA to publish national reports and data on the status and progress of the RCRA waste management system. Implementers are owners of the underlying reporting data and, accordingly, bear responsibility for resolving significant problems in those data. Additionally, implementers are responsible in FY 1991 for reviewing and providing comments on draft EPA national reports and data to ensure that State data are presented accurately.

State oversight responsibilities during FY 1991 include follow-up activities to ensure submission of 1989 State Biennial Program Reports. OSW (Headquarters) will assume responsibility during FY 1991 for loading data included in 1989 State Biennial Program Reports into national data files, auditing these data to assess compliance with OSW's specifications for such data, and generating Quality Assurance Exception Reports directing implementers to follow-up on significant data problems.

A summary of FY 1990 and FY 1991 Biennial Reporting activities is at Section 9.4. The activities summarized correspond to administration of annual or biennial reporting programs. Authorized and cooperative agreement States may elect to administer alternative reporting mechanisms (e.g., manifest systems, supplemental permit systems, waste registration systems, etc.) in lieu of or in conjunction with annual/biennial reporting systems, provided that all data identified by OSW as Mandatory Core

reporting items are obtained for the reporting year. Mandatory Core reporting items correspond to those items included on EPA 1985 RCRA Biennial Report Forms and those items necessary to complete 1985 State Biennial Program Reports.

HSWA expanded Biennial Reporting requirements to include Waste Minimization reporting by all RCRA generators ("Large Quantity" generators, including generators with on-site treatment, storage, disposal, and recycling operations and off-site TSDs that generate "large quantity" hazardous waste residuals from their commercial or captive waste management operations). Headquarters incorporated Waste Minimization reporting elements into the 1989 Biennial Report forms package, and also provided a stand-alone Waste Minimization reporting package to be used in States that elected not to use EPA's 1989 Biennial Report forms package. As in the case of other biennial reporting requirements, HSWA-authorized and cooperative agreement States may elect to develop and administer their own reporting mechanisms to obtain waste minimization reporting data in lieu of or in conjunction with EPA's Waste Minimization reporting package, provided that all data requirements in the EPA Waste Minimization reporting package are satisfied.

9.4 Summary of Biennial Report Activities for 1989 Reporting Cycle

(FY 1990 - FY 1991)

Activity	Responsible Party (1)	Completion Date
FY 1990 Activities:		
Develop 1989 Biennial Report and stand-alone Waste Minimization reporting packages.	HQ	10/30/89
Identify reporting elements required to be collected by all States during 1989 reporting cycle (Mandatory Core data elements).	HQ	02/15/90
Provide customized (logo, return address, etc.) Camera Ready versions of 1989 reporting packages to States doing own printing.	HQ	12/15/89
Provide Government Printing Office (GPO) printed copies of 1989 reporting packages to States and Regions using 1989 standard EPA reporting packages.	HQ	12/15/89
Mail 1989 reporting packages to regulated handlers.	I	12/30/89
Provide Toll-Free Telephone Assistance to respondents.	HQ	01/01/90-07/30/90
Track postal returns, response status.	I	03/30/90
Follow-up on non-response/ incomplete response.	I	04/01/90-07/01/90
Process reported data (e.g., automate, conduct Quality Assurance/Quality Control, etc.).	I	07/01/90-11/01/90
Transmit 1989 reporting data (content and format of 1989 State Biennial Program Reports to be defined in guidance memoranda from OSW Director during 2nd quarter of FY 1990).	I	12/01/90

Summary of Biennial Report Activities for 1989 Reporting Cycle

(FY 1990 - FY 1991)
(Continued)

Activity	Party (1)	Responsible Completion Date
FY 1991 Activities:		
Follow-up with States to ensure submission of 1989 State Biennial Program Reports.	O	12/01/90-12/31/90
Load transmitted 1989 reporting into national data files.	HQ	12/01/90-02/01/91
Audit transmitted 1989 reporting data; transmit Quality Assurance Exception Reports to States and Regions.	HQ	12/01/90-02/01/91
Follow-up on problems in 1989 reporting data identified in Quality Assurance Exception Reports.	I	02/01/91-04/01/91
Prepare Draft 1989 National Hazardous Waste Report; submit to States and Regions.	HQ	05/01/91
Review Draft 1989 National Hazardous Waste Report and submit comments to oversight.	I	06/30/91
Issue 1989 National Hazardous Waste Report and provide access to national data files.	HQ	07/30/91

(1) I = Implementers (States or EPA Regional Offices)
O = Oversight (EPA Regional Offices)
HQ = EPA Headquarters Office of Solid Waste

Other Reporting Requirements

As in FY 1990, Regions and States will be required in FY 1991 to submit, on a quarterly basis, detailed information concerning enforcement of land disposal restriction regulations. Guidance on reporting this information can be found in "Land Disposal Restriction Reporting Requirements," from W. Porter to the Regional Administrators, dated 9/16/88.

The quarterly reporting of Off-site Policy information by the Regions will also continue in FY 1990. Guidance on this can be found in "Identification of Facilities that Could Potentially Receive Superfund Wastes," from J. Z. Cannon to Waste Management Division Directors, dated 9/9/88. See also Section 3.

Regions may be required in FY 1991 to report to EPA Headquarters the quarterly enforcement status of surface impoundments. Guidance on this may be found in "Enforcement Strategy for Surface Impoundment Retrofit Requirements," from B. Diamond to Hazardous Waste Division Directors, dated 9/29/88.

9.5 Major Activities

Headquarters:

- Establish specific 1989 Biennial Report data requirements, by 2/15/90.
- Develop 1989 EPA Biennial Report and stand-alone Waste Minimization packages by 10/30/89.
- Provide GPO-printed copies of 1989 EPA Biennial Report and Waste Minimization packages by 12/15/90.
- Provide toll-free telephone assistance to respondents required to complete EPA Biennial or Waste Minimization Reports for the period of 1/1/90 to 7/30/90.
- Review and negotiate FY 1991 STARS commitments.
- Issue guidance on RCRIS activities for FY 1990.

Regions and States:

- Exchange copies of all land disposal facility inspection reports (CMEs, CEIs); administrative complaints, orders and judgments against High Priority Violators (HPVs); and other reports deemed necessary by the Region.
- States are to submit the following to their respective Regions: reports of inspections resulting in determination of significant violations of corrective action requirements in permits or orders; significant violations of land ban requirements; and reports on surface impoundment retrofits.

- Regions are to submit copies of Regional administrative complaints, initial orders, and final orders to the Director, RCRA Enforcement Division, OWPE.

- Implement biennial and waste minimization reporting requirements.

- Submit draft FY 1991 STARS commitments by July 15, 1990; negotiate and finalize FY 1991 STARS commitments by September 1, 1990.

10.0 TRAINING

10.1 Program Objective

EPA Regional offices and States have consistently identified training as a priority area for Headquarters' attention. Training needs are critical because of the high turnover rate in many Regions and States and the complexity of the RCRA program. To meet these needs, the Office of Solid Waste (OSW) and the Office of Waste Programs Enforcement (OWPE) are committed to providing the opportunity and resources to ensure that adequate training is available. To address this need, Headquarters is continuing efforts to develop new courses and enhance existing ones to orient staff to the goals and objectives of the RCRA program and to provide specific training in various aspects of program implementation. OSW and OWPE will coordinate RCRA training course development and presentation with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO).

The training regime is designed to provide a comprehensive overview of knowledge and skill necessary to implement, manage, and oversee all RCRA program statutory, regulatory, and policy requirements. Regions should encourage States to augment State-sponsored training programs by participating in EPA training programs.

10.2 Relation to FY 1990 RCRA Operating Guidance

This training section is new with the FY 1991 guidance. It is indicative of the emphasis the Agency is placing on enhancing the skills of the Regional and State staff responsible for program implementation.

10.3 OSW Training Initiatives

The State Programs Branch within the Office of Solid Waste has developed, in cooperation with ASTSWMO, a core curriculum of training courses designed to provide basic RCRA training for all Regional and State program staff, regardless of their individual responsibilities, within ninety days of hire.

This core curriculum currently consists of three courses: RCRA Orientation, a basic permit writer's course, and an entry level inspector's course. Each course is formatted similarly to assist in presentation and retention. Although this format has been designed to provide for flexibility in presentation (e.g., workshops, self-taught tutorial), we are recommending that, whenever possible, it be presented to a combined EPA/State audience to enhance working relationships and information exchange.

During grant negotiations with the States, the Regions should develop a training schedule for presenting the core courses. The core should be offered to all new staff, including support staff, within the first three months of their employment. Locations should be moved around the Region to reduce travel burdens and

associated costs. Headquarters recommends that the RCRA Orientation course be presented first, followed by the permit and inspection courses several weeks later to reduce the time staff need to be away from the office. When the core is presented to a combined EPA/State audience, it should be presented by EPA/State training teams and preferably by people experienced in the area they are presenting. Headquarters will continue to conduct "train-the-trainer" workshops for EPA and State staff designated as trainers by their respective agencies.

During FY 1989, the State Programs Branch presented mini-workshops on the RCRA authorization process, training over 150 Regional and State personnel on assembling quality authorization applications and their subsequent review and evaluation by EPA Headquarters and Regional staff. These highly successful workshops were presented again in FY 1990 and will be similarly presented during FY 1991, depending on need and interest. The Regions and States are encouraged to send new hires to the workshops.

Additionally, during FY 1990, a workgroup composed of Headquarters and Regional representatives developed a workshop on grant negotiations and monitoring and evaluating grant performance. This workshop employs a variety of presentation formats (panels, videos, small and large group discussions) in order to provide Regional and State RCRA staff with a basic understanding of the budget process, grant negotiation and award, and monitoring and responding to RCRA program implementation by the States. The workshop was presented during FY 1990 and will be made available to the Regions and States in FY 1991.

10.4 OWPE Training Initiatives

During FY 1989 and 1990, OWPE technical staff conducted several training initiatives for EPA and State personnel, including: RCRA Groundwater Monitoring Technical Enforcement Guidance Document (TEGD), Hazardous Waste Incinerator (HWI) Inspector Training, Land Disposal Restrictions (LDRs) Enforcement Training, the Comprehensive Groundwater Monitoring Evaluation (CME), the RCRA Inspector Institute and the Inspector Sampling Procedures Course. Medical Waste and Health and Safety Training were also provided. In addition to the above, the following new training courses will be offered in FY 1991: Hazardous Waste Tank Inspections and the Air Emissions Rule Enforcement Training (the HWI Inspector course will be made available on video, whereas the LDR Enforcement training will be available on interactive video in FY 1991). A Mixed Waste Guidance/Enforcement Strategy and an Enforcement Strategy for Pollution Prevention are under development for FY 1991. OWPE will coordinate with the Office of Enforcement on developing a criminal enforcement strategy.

Also, in June 1988, the Administrator signed EPA Order 3500.1 to provide for a comprehensive plan to enhance training for EPA inspectors. The Order, which becomes effective October 1, 1991, mandates that certain training must be completed prior to an EPA

inspector leading an inspection. Regional supervisors are responsible for ensuring that their inspectors receive the necessary training. OWPE will continue to track compliance with this Order in FY 1991.

10.5 Resources

Regions and States should negotiate a grant which dedicates approximately 3% of the grant funds to support specific training activities. These activities should include: assessing training needs and responding to these needs by course development and/or modification; presenting and participating in the core curriculum on a regularly scheduled basis; presenting and participating in specialized courses in permitting and enforcement as necessary to enhance staff capability; and encouraging participation in and attendance at authorization, grant, technical and inspection workshops.

After negotiation with the States and after factoring in its own training needs, the Region should develop a comprehensive Regional training plan. This plan will provide a blueprint for the upcoming fiscal year (FY 1991) and should include course titles (including core presentations), dates, locations, associated costs and the expected number of participants. Although not a required component, Regions are encouraged to include a summary forecast of future training needs taking into account expected regulatory and policy changes, hiring projections, and Headquarters plans for course development. A combined Regional/State plan will allow States to tie into Regional training programs, reduce duplication of effort, and allow for allocation of appropriate funding for travel related costs. Completed training plans should be sent to the Director, Permits and State Programs Division, OSW and the Director, RCRA Enforcement Division, OWPE by September 15, 1990.

10.6 Major Activities

Headquarters:

(a) Program Enhancement/Training

- Present core curriculum training modules to HQ staff.
- Develop additional core modules for waste minimization and air emissions.
- Present train-the-trainer workshops for State and Regional core trainers.
- Provide support for core curriculum scheduling and presentation in Regions.
- Review and revise core curriculum courses, as needed.

- Assess need for more specialized training to enhance job performance and career development.

- Publicize Regions' and States' schedules for presenting the core curriculum.

- Develop and present corrective action training.

- Develop and present specialized inspector and enforcement training.

- Inform Regions and States of Headquarters course offerings for FY 1991 and plans for course development in subsequent years.

Regions and States:

- Establish a training schedule for presentation of the core in the Region and each of the States during grant negotiations. Optimally, this schedule should be agreed to by the end of the third quarter for the upcoming fiscal year and provide for presentation of the core on a quarterly basis.

- Negotiate a grant which dedicates approximately 3% of the grant funds to support specific training activities, core curriculum and specialized permitting and enforcement training. Encourage participation in and attendance at authorization workshops and grant workshops.

- Develop a combined one-year Regional/State training plan.

- Ensure compliance with EPA Order 3500.1 to provide training for EPA inspectors.

APPENDIX A
LIST OF NEW AND PROPOSED REGULATIONS

NOTE: The dates listed were the most recent at the time of publication and are subject to change.

OSW

Location Standards for Hazardous Waste Facilities (SAR 2303)
NPRM..... 8/90
Final Action.....10/92

Mining Waste Management Under RCRA Subtitle D (SAR 2389)
NPRM..... 8/91
Final Action.....11/92

Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities
NPRM
Final Action

Emission Controls for Hazardous Waste Incinerators
NPRM..... 2/90
Final Action..... 2/91

Land Disposal Restrictions for Soil and Debris Containing Hazardous Waste (SAR 2461)
NPRM..... 9/91
Final Action..... 9/92

Management of Used Oil
Reproposal Date.....4/91

Corrective Action for Releases to Ground Water from Regulated Hazardous Waste Units
NPRM.....
Final Action.....

No-Migration Variance for Restricted Hazardous Waste Land Disposal
NPRM..... 4/90
Final Action..... 4/91

Modification of the Definition of Waste Water Treatment Unit (SAR 2570)
NPRM..... 3/90
Final Action..... 1/91

RCRA Subtitle C Financial Test Criteria (SAR 2647)
NPRM..... 5/90
Final Action.....

LIST OF NEW AND PROPOSED REGULATIONS
(Continued)

Identification and Listing of Hazardous Wastes - Chlorinated Aromatics
NPRM..... 4/91
Final Action.....

Identification and Listing of Hazardous Wastes from Coke By-product Industries (SAR 2227)
NPRM..... 8/90
Final Action.....11/91

Adequacy Determinations for State Solid Waste Programs (SAR 2751)
NPRM..... 6/90
Final Action.....

Financial Test for Local Governments that Own/Operate Municipal Solid Waste Landfills (SAR 2761)
NPRM..... 6/90
Final Action..... 6/91

Causes for Permit Modifications to Hazardous Waste Management Facilities (SAR 2780)
NPRM..... 8/90
Final Action..... 8/91

Burning of Hazardous Waste in Boilers and Industrial Furnaces (SAR 2078)
NPRM..... 5/87; 10/89
Final Action..... 2/91

First Phase of Air Standards (subparts AA & BB, Parts 264 & 265) for process vents, equipment leaks at treatment, storage, and disposal facilities; is scheduled to be promulgated Spring 1990

Liners and Leak Detection for Hazardous Waste Land Disposal Units (SAR 2080)
NPRM..... 5/87
Final Action..... 9/92

Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants (SAR 2062)
NPRM..... 6/86
Final Action..... 3/90

Groundwater Monitoring at Hazardous Waste Facilities (SAR 2277)
NPRM..... 7/88
Final Action..... 9/90

Solid Waste Disposal Facility Criteria (SAR 2224)
NPRM..... 8/88
Final Action..... 4/90

LIST OF NEW AND PROPOSED REGULATIONS
(Continued)

Identification and Listing of Hazardous Wastes - Petroleum Refinery Primary Treatment Sludge (SAR 2226)
NPRM.....11/80
Final Action.....12/90

Tests Methods for Evaluating Solid Waste Manual SW846 - Incorporation by Reference and Mandatory Good Laboratory Practices (SAR 2507)
NPRM..... 1/89; 2/90
Final Action..... 6/90

Identification and Listing of Hazardous Wastes - Wood Preserving and Surface Protection Wastes (SAR 2174)
NPRM.....12/88
Final Action.....11/90

Hazardous Waste Management System; Amendment to Subpart C Rulemaking Petitions; Use of Groundwater Data in Delisting Decisions (SAR 2622)
NPRM.....10/89
Final Action..... 2/91

Land Disposal Restrictions for the Third Third of Scheduled Wastes (SAR 2523)
NPRM.....11/89
Final Action..... 5/90

Amendment to the F019 Hazardous Waste Listing to Exclude Waste Water Treatment Sludges from Zirconium Phosphating in the Aluminum Can Washing Process (SAR 2676)
NPRM..... 8/89
Final Action..... 2/90

Identification and Listing of Hazardous Wastes: Dimethyl Hydrazine (SAR 1954)
NPRM..... 4/84
Final Action..... 4/90

OWPE

Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs (SAR 2158)
NPRM..... 5/90
Final Action..... 3/91

National Contingency Plan - Subpart K: A Road Map to the NCP for Federal Facilities (SAR 2650)
NPRM..... 3/90
Final Action..... 2/91

LIST OF NEW AND PROPOSED REGULATIONS
(Continued)

CERCLA Cost Recovery (SAR 2702)
NPRM..... 7/90
Final Action..... 7/91

Reporting Hazardous Substances Activity When Transferring Federal Real Property (SAR 2464)
NPRM..... 1/88
Final Action..... 2/90

Procedures for Planning and Implementing Off-Site Response Actions (SAR 2538)
NPRM.....11/88
Final Action..... 3/90

Appendix B
RELEVANT GUIDANCE DOCUMENTS

NOTE: Some of the dates listed were the most recent at the time of publication. They are subject to change, and they may differ from those listed in the Administrator's Tracking System (ATS).

Permitting/Facility Closure/Post-Closure

Air Emissions - Technical Guidance Documents:
- Control of Air Emissions from Process Vents and Equipment Leaks at TSD facilities. Distribute Final Document: Early 1990.
- Incinerator Guidance Documents.
- Implementing the Land Disposal Restrictions: Question and Answers (09/89).
- RCRA Permit Appeals Guidance (4/90*).
- Five Year Permit Review Strategy (9/90*).
- RCRA Permit Policy Compendium (available in Regional Offices) (5/90*).
- Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities (Interim final guidance 4/89).
- Practical Guide for Assessing and Remediating Contaminated Sites (Draft 5/89).
- "Facility Location: A Comprehensive Approach to Siting Hazardous Waste Facilities" (5/1/90).
- Public Information Brochure to Precede Location Standards Proposed Rule (5/90).

Compliance Monitoring and Enforcement

Statement of Basis Guidance	(Final, 4/90*)
Incinerator Enforcement Strategy	(Final, 4/90*)
Land Ban First Third Enforcement Strategy.	(Final, 1/89)
Land Ban Third Third Enforcement Strategy.	(Final, 7/90*)
Mixed Waste Enforcement Strategy.	(Final, 6/90*)
Mixed Waste Inspection Guidance.	(Final, 6/90*)
Land Disposal Restrictions Inspection Manual.	(Final, 7/89)
Incinerator Inspection Guidance.	(Final, 4/89)
Control of Air Emissions from Process Vents and Equipment Leaks at TSD Facilities Guidance and Enforcement Strategy	(Final, 6/90*)
Toxicity Characteristic Enforcement Strategy	(Final, 4/90*)
Revised RCRA Civil Penalty Policy	(Final, 2/90*)
Tracking and Management of Medical Waste	(Interim Final, 3/89)
Mineral Processing Wastes Rules Guidance	(Final 2/90*)

* Anticipated Dates

RELEVANT GUIDANCE DOCUMENTS
(Continued)

Permit Enforcement Strategies (Seven modules)

1) Permit Inspector Guide (Final, 5/90*).
2) Permit Modification Rule (Final, 3/89).
3 - 7) Remaining modules to be published in FY 1990.

Hazardous Waste Tank System Inspection Manual (Final, 9/88).

RCRA Laboratory Audit Inspection Guidance (LAI) (Final, 9/88).

RCRA Technical Case Development Guidance Document (Final, 6/88).

EPA Order 3500.1 - Training and Development for Compliance Inspections/Field Investigations (June 29, 1988).

Operation and Maintenance Inspection Guide (Final, 3/88).

RCRA Inspection Manual (Final, 3/88).

RCRA Comprehensive Ground Water Monitoring Evaluation Guidance Document (Final, 3/88).

Enforcement Strategy, Hazardous Waste Exports EPA NEIC, Denver (Final, 3/88).

Revised Enforcement Response Policy (Final, 12/87).

RCRA State Oversight Inspection Guide (Final, 12/87).

Revised Procedures for Planning and Implementing Off-site Response Actions (Final, 11/87).

Land Disposal Restrictions (LDR) Violations Classification Guide (Final, 4/90).

Corrective Action

RCRA Corrective Action Outyear Strategy (09/89).

Guidance for Environmental Priorities Initiative Facilities in the Superfund Pre-Remedial Program (01/89).

Interim Final Model §3008(h) Unilateral Order (01/89).

RCRA Section 3008(h) Model Order. (01/88).

* Anticipated Dates

RELEVANT GUIDANCE DOCUMENTS
(Continued)

Guidance on the Use of Stipulated Penalties in Hazardous Waste Consent Decree (09/87).

RFI Guidance (07/87).

RCRA CAP (11/86)

RCRA Interim Measures Guidance (6/87).

Administrative Hearing Procedures for §3008(h) Orders (05/87).

RFA Guidance (10/86).

Subpart S Training Manual (9/89).

Corrective Action Section of the RCRA Model Permit (11/88).

Subpart S - Draft Rule (Draft 8/89).

Contaminated Media/Contained in Policy Guidance

"Status of Contaminated Ground Water and Limitations on Disposal and Reuse" (Memo; 1/24/89).

"Contained-in Response Memo to Thomas Jorling, Commissioner, Dept. of Environment Conservation, New York" (Memo: 6/19/89).

"Application of Land Disposal Restrictions to RCRA and CERCLA Ground Water Treatment Reinjection" (Memo: 12/27/89).

Federal Facilities

Enforcement Actions Under RCRA and CERCLA at Federal Facilities (January 25, 1988).

Elevation Process for Achieving Federal Facility Compliance Under RCRA (March 24, 1988).

Agreement with the Department of Energy--Model Provisions for CERCLA Federal Facility Agreements (May 27, 1988).

Agreement with the Department of Defense--Model Provisions for CERCLA Federal Facility Agreements (June 17, 1988).

Enforcement Actions at Government-Owned Contractor-Operated Facilities (September 8, 1988).

Federal Facilities Compliance Strategy (November, 1988).

Listing Policy for Federal Facilities (March 13, 1989).

RELEVANT GUIDANCE DOCUMENTS
(Continued)

Federal Facilities Negotiations Strategy (August 19, 1989).

Municipal Solid Waste

State Program Adequacy (Summer 1991).

Update of Agenda for Action (Summer 1991).

Implementation Strategy for the Revised Criteria (Summer 1991).

Study of Recent State and Tribal Municipal Solid Waste Management Plans (Spring of 1990).

Report to Congress on Methods to Manage and Control Plastic Waste (Final - February 1990).

Review of Potential Substitutes for Lead and Cadmium in Products (Draft - February 1990) (Final May 1990).

Technical Guidance on Municipal Solid Waste Landfill Criteria (Draft - Spring 1990) (Final - Summer 1990).

How to be An Environmentally Alert Consumer (Draft - February 1990) (Final - April 1990).

Characterization of Municipal Solid Waste in the U.S. (Draft - March 1990) (Final - May 1990).

Decision Makers' Guide to Solid Waste Management - to be published in March 1990.

Sites for Our Solid Waste: A Guidebook for Effective Public Involvement - final draft in February 1990, to be published in Spring 1990.

State Programs

Capability Assessments for RCRA Authorization Program Revisions (April 9, 1987).

RCRA Quality Criteria (revised July 1986).

Protocols for evaluating permit quality and closure/post-closure plans (August 1986).

Enforcement Response Policy (December 21, 1987).

RCRA Program Evaluation Guide (July 1988).

State Consolidated RCRA Authorization Manual (SCRAM), (9540.00-9) will be revised as RCRA Authorization Manual (RAM) by 4/90.

RELEVANT GUIDANCE DOCUMENTS
(Continued)

State Grants and Work Programs/Waste Minimization and Capacity Assurance

Assurance of Hazardous Waste Capacity, Guidance to State Officials (9010.00, Dec. 1988), revision scheduled 10/90.

Agency Review of SARA Capacity Assurance Plans (October, 1989).

Waste Minimization (Pollution Prevention)

Pollution Prevention Policy Statement (Proposed, 1/26/89).

Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program (Proposed, 6/12/89).

Video - "Less is More: Pollution Prevention is Good Business" (10/89).

Waste Minimization Opportunity Assessments Manual (4/88).

Information Management

Functional Requirements for RCRIS Modules 1-7 (i.e., Handler Identification, Permitting/Closure/Post-Closure, Compliance Monitoring and Enforcement, Data Quality/Data Management, Corrective Action, Facility Management Planning, and Program Management) (12/31/88).

Technical Specifications for the Conversion of HWDMS and CARS Data to the RCRIS Data Base (1/29/90).

RCRIS Data Element Dictionary (on-line, i.e., Mainframe) (on-going update).

Framework for National Implementation.

RCRIS System Architecture Paper (1/23/87).

RCRIS System Start up Guide (1/29/90).

RCRIS User's Guide (1/1/90).

Student Training Guide and Exercise Booklet (1/1/90).

Configuration Management Board Charter and Process (10/89).

RCRIS Translator Guide (1/29/90).

RCRIS Database Structure Chart (12/89).

RCRIS Reports Library (1/22/90).

C. IMPROVE UNDERGROUND STORAGE TANK (UST) MANAGEMENT AND CORRECTIVE ACTION PRACTICES

1. Overview of the National Strategy

The mission of the Office of Underground Storage Tanks is to protect human health and the environment, primarily by preserving ground water for present and future use, by preventing contamination of surface water resources, and by preventing human exposure to carcinogenic and/or explosive vapors. This mission will be achieved through a national program designed to prevent and clean up contamination from releases from underground storage tank (UST) systems. EPA's approach to regulating UST systems on a national scale differs from most other national regulatory programs because it relies primarily on State and local implementation.

This reliance on State, local, and Tribal government is essential because of the large number of regulated tanks and facilities, the diverse composition of the regulated community, and the scope of the regulatory work. Nationally there are about 2 million USTs subject to the Federal regulations, comprising over 700,000 UST facilities. On the one hand, many UST facility owners are small entrepreneurs who may not be used to complying with environmental regulations and may be reluctant to invest in capital intensive UST upgrading or replacement. On the other hand, another large segment of the regulated community is comprised of the major oil companies and large oil jobbers. Other complicating factors to consider when regulating USTs include the need to enforce requirements that affect every phase in the life cycle of a storage system: tank and piping selection; installation, operation, and maintenance; closure and disposal; and clean up of the site in the event of a release.

UST regulatory and clean-up programs are most effectively carried out by the level of government that is closest to the problem and thus is able to respond quickly and to create a visible enforcement presence. Therefore, to regulate USTs effectively and to ensure prompt clean up of pollutants from leaking USTs, the approach adopted by EPA for the UST program focuses on building effective State UST regulatory and clean-up programs. Thus, EPA envisions a "national" (as opposed to Federal) UST program that will be carried out by a network of State, local, and Tribal governments, with the assistance of EPA. It should be noted, however, that local governments and Indian Tribes are not eligible to directly receive LUST Trust Fund or program grant monies nor are local or Tribal UST programs able to receive authorization to operate in lieu of the Federal program.

Headquarters will respond to the needs of State and local programs by providing genuinely useful assistance and products, by learning from the experiences of other organizations and developing creative and effective methods to improve program performance, and by demonstrating constant and measurable improvement over time. The Regions will serve as field or service representatives assisting

States in improving their capabilities and diagnosing and resolving program implementation problems that arise. Headquarters is supporting the Regions in their role as field or service representatives of the national UST program.

It is anticipated that many State programs will be approved during FY 1991. To this end, during FY 1991, the UST program will continue to work with the States to establish basic regulatory programs, and then work with them to improve their programs' performance. It has been the Agency's intent for States to operate the UST program from the very beginning, and for EPA to focus its resources on building State capabilities. States are thus encouraged to develop their own programs and to apply for approval by EPA. In those few States which may not implement the Federal regulations during the transition period, Headquarters will work with the Regions to develop State-specific program implementation strategies which will include compliance assistance and enforcement components.

The major activities for the UST program for FY 1991 are: (a) States develop UST regulatory programs; (b) EPA and States develop systems to assure that funding is available for corrective action; (c) EPA identifies and develops methods to improve performance in both the prevention and corrective action programs; and (d) EPA facilitates a national communication network.

Special State initiatives for FY 1991 will include continued participation with the Regions in Targeted Improvement Projects (TIPS). The TIPs process is designed to identify a particular State performance problem, design an improvement plan, implement the improvement plan by providing the requisite technical support and resources, and improve State program performance in the selected problem area.

2. Major Activities

a. States Develop UST Regulatory Programs.

(1) Overview of the Activity

A goal of the national UST program is for States to operate continuously improving UST regulatory programs that are no less stringent and no smaller in scope than EPA's regulations, and for most UST systems to be in compliance.

The most important ingredient for a successful national UST program is to have as many effective State UST programs as possible. States with effective, approved programs become the implementing arm of the national program, tailoring national requirements to reflect the unique environmental characteristics and governmental structure of each State. This remains the highest priority activity for FY 1991.

The ten year programmatic goal of the Federal regulations is that USTs will be upgraded or closed so that remaining in-service USTs

are protected from corrosion and have spill and overfill protection, approved release detection systems, and continuous monitoring on pressurized lines. The emphasis of EPA's program implementation will be on the long term, and FY 1991 will be characterized by the continued growth of a national UST regulatory program achieved by the enhancement of State and local programs. During FY 1991 -- the third year the Federal regulations are effective -- efforts by States and Regions to encourage compliance will focus on UST system upgrading, release detection for tanks 20 years old and older, promoting enforcement for tanks 15 to 20 years old, and financial responsibility requirements.

In FY 1991, almost all States will have operational regulatory and clean-up programs. It is EPA's objective to focus Federal resources and efforts on assisting and expanding these programs and facilitating the development of additional State and local programs.

During FY 1991, many State programs will be approved. In these States, State regulations will be the focus of program implementation. In those States without approved programs, States will continue to implement formal agreements (Memoranda of Agreement (MOAs), program grant work plans, and/or Trust Fund cooperative agreement work plans), negotiated with the Regions in FY 1990, and based on the Transition Strategy and Transition Tasks List. These agreements will be designed to promote compliance with the Federal regulatory requirements during the transition period between the effective date of the Federal regulations and the dates State programs are approved to operate in lieu of the Federal program.

(2) Headquarters Activities

P Provide advice to Regions on the State program approval process.

Review State applications in cases when the Region intends to disapprove the State program.

Continue to provide grants to States to develop UST programs.

Continue to provide support and guidance to Regions on priorities and methods of promoting compliance with the Federal regulations, including on Indian Lands.

Work with the Regions to develop State-specific program implementation strategies for those States without approved programs or transition agreements.

Evaluate State needs for additional data management support.

(3) Regional Activities

P Help States to develop approvable State UST program applications (including reviewing and commenting on draft applications), and facilitate review and approval by the Regional office.

Assist and encourage States to improve their UST programs, including technical and enforcement expertise, with emphasis on ensuring that owners and operators meet the compliance dates for the release detection requirements. For example, promoting and supporting State field citation programs will improve enforcement effectiveness.

Continue to negotiate and oversee State program grants.

Receive State referrals of violations, for example of new tank installation or release detection requirements, and conduct limited, targeted enforcement actions when the State lacks the necessary authority.

Oversee activities on Indian Lands.

Work with Headquarters to develop State-specific program implementation strategies for those States without approved programs or transition agreements.

Assist in evaluating State needs for additional data management support.

(4) State Activities

P Operate and enforce existing State UST programs.

P Assist EPA in implementing the Federal regulations during the transition period through Memoranda of Agreement, Trust Fund cooperative agreements, and/or State program grant activities.

Some States may still need to develop/change State authorities and requirements to meet Federal standards for program approval.

P Prepare a State UST program application and submit it to EPA for approval.

As necessary, put in place a State funding mechanism for the UST program.

Carry out activities, including requirements under State program grants.

Collect and manage notification data.

Provide timely compliance assistance to owners and operators, especially for phased-in requirements for release detection and financial responsibility.

Provide assistance to local governments and the public.

b. EPA and States Develop Systems to Assure that Funding is Available for Corrective Action.

(1) Overview of the Activity

Over time, EPA and States will establish and improve funding mechanisms to assure that corrective actions are paid for and that they occur in a timely manner. Owners and operators will have primary responsibility for financing clean up through insurance or private funds. When owners and operators do not pay for corrective actions, government funds will be used to assure that corrective actions take place in a timely manner and States will actively seek to enforce and recover costs from responsible parties.

The Leaking Underground Storage Tank (LUST) Trust Fund provides funds for corrective action, enforcement, and related activities at eligible sites. The focus for FY 1991 Trust Fund activities is to continue to improve the management of Federal money, including efforts to improve reporting and site analysis; and in light of RCRA Reauthorization, to analyze Trust Fund resource impacts. In addition, allocating the Federal Trust Fund to the Regions for State-lead corrective actions will continue. Federal-lead corrective actions are unlikely to occur except on Indian Lands.

As a result of the required upgrading (or closure) of existing tanks, including the use of a release detection system, it has been estimated that contamination may be discovered at up to 50,000 sites in FY 1991. This means States will be faced with significantly more enforcement and corrective actions. States will be addressing a backlog of Trust Fund cases from the previous year. The States will develop strategies to promote compliance with the financial responsibility requirements so that a continuously increasing proportion of owners and operators pay for corrective actions.

(2) Headquarters Activities

P Continue to improve the management of the Trust Fund through improved reporting and evaluation activities.

P Assist States in the start-up and management of State funds.

Analyze allocation impacts and previous allocation procedures and revise if necessary.

Develop and publish annual updated Trust Fund cooperative agreement guidance.

Continue to encourage conversion of financing for corrective actions from public to private sector.

Assess implementation of the financial assurance requirements.

Assess reauthorization needs and recommend appropriate actions to Congress.

(3) Regional Activities

P Continue to work with States to identify improved methods and ways to implement them for enforcement, corrective action and administration, so that an increasing number of Federal and State funds can be used for enforcement.

P Determine the annual Trust Fund allocation to States and manage the distribution of funds.

Assess State activities under FY 1990 Trust Fund cooperative agreements.

(4) State Activities

P Develop and implement strategies to promote compliance with the financial responsibility requirements to encourage and facilitate responsible party-lead corrective actions, including the development of State-supported mechanisms.

Apply to the Region for a FY 1991 Trust Fund cooperative agreement.

P Conduct enforcement activities using the Trust Fund and State funds.

Implement the Trust Fund clean-up program, as described in cooperative agreements.

Maintain and continuously improve a system to recover costs from responsible parties for corrective actions financed by the Trust Fund and State funds.

Maintain adequate records and provide timely reports on Trust Fund activities, as described in guidance.

c. EPA Identifies and Develops Methods to Improve Performance.

(1) Overview of the Activity

EPA, together with States, local governments, and industry groups will identify more environmentally effective, less costly, and faster methods of performing tasks in the program areas of release prevention, release detection, clean up, program management, and program measurement. This will be done to improve the performance of program participants and to promote the environmentally effective use of limited resources to protect ground water for present and future use.

In FY 1991, Headquarters and the Regions will implement the program appraisal process for evaluating the status, performance, and direction of the UST/LUST program in Headquarters, Regions, and

States. The appraisal process emphasizes a balance between service and oversight activities. In addition, a system for measuring national program progress will be in place and data will be collected and disseminated to assess national program progress and identify program areas needing special assistance.

(2) Headquarters Activities

P Provide States and localities with tools to make management and field work simpler, more environmentally effective, and easier to carry out.

Where a Region has a lead role on a project, Headquarters will provide support and assistance.

Develop tools, guidance, and field tests related to installation, upgrading, release detection, closure, and corrective action practices.

Provide technical assistance or training, for example, related to health and safety, compliance inspections, corrective action technologies, installation procedures, field or service representative role, site assessment/sampling techniques, corrosion and cathodic protection, and cost recovery.

Coordinate with outside organizations to provide assistance and encourage upgrading.

Review, evaluate, and support the Regions in implementing UST program activities.

Develop and implement the program appraisal strategy and measures for FY 1991.

Gather, collate, and disseminate data related to measuring national program progress.

(3) Regional Activities

P Work with States on an individual basis to improve processes to make management and field work simpler, more environmentally effective, and easier to carry out.

P Work with States on an individual basis to identify and overcome barriers and delays in implementation of State UST programs.

Work with States to improve State and local initial response capability.

Provide technical assistance to States and Indian Tribes.

Review, evaluate, and assist the States in implementing State UST programs, especially through site visits and evaluations, and utilizing the program appraisal strategy.

Assist in gathering, organizing, and disseminating data related to measuring national program progress.

(4) State Activities

P Provide technical assistance to the regulated community and local governments, especially for phased-in requirements for release detection and financial responsibility. Conduct aggressive outreach efforts to promote voluntary compliance.

Contribute to the overall UST program appraisal process, including site visits and evaluations.

Contribute to measuring national program progress by providing data and assisting in evaluations.

d. EPA Facilitates a National Communication Network.

(1) Overview of the Activity

EPA will establish a communication network that will continuously improve over time. Through the network, EPA will identify program needs, creatively transfer new technology, tools, and information to program participants, and promote information exchange between EPA, States, local governments, Indian Tribes, the regulated community, and other interested groups.

(2) Headquarters Activities

P Coordinate activities and provide outreach materials that address program issues such as requirements for corrective action, financial responsibility, and release detection.

Keep the regulated community and States aware, informed, and motivated about the UST program and technological developments.

Develop trouble-shooting groups to share expertise in the field.

Coordinate and sponsor the National UST Conference.

(3) Regional Activities

P Assist States in developing outreach strategies to promote compliance and provide information outreach and compliance assistance to the public in States requiring assistance.

Share information about successful State initiatives and programs with other States.

Disseminate information on specific program areas such as corrective action, financial responsibility, and release detection requirements.

Act as field or service representatives to States.

Facilitate a communication network between States.

(4) State Activities

- Provide timely outreach and compliance assistance to owners/operators on program areas such as corrective action, financial responsibility, and release detection.

- Disseminate outreach materials to owners/operators to promote voluntary compliance.

- Develop and implement strategies for information outreach and compliance assistance.

Build a communication network with the State's regulated community.

Participate with EPA in identifying and solving problems, e.g., at conferences and State meetings.

APPENDIX I
UST PROGRAM
KEY SUPPLEMENTAL REGULATIONS/GUIDANCE

Regulations/Documents	Expected Publication
UST State Program Grant Guidance for FY 1992	4/91
LUST Trust Fund Cooperative Agreement Guidance for FY 1992	4/91
UST Program Appraisal Measures for FY 1992	4/91

D. PREVENT AND PREPARE FOR CHEMICAL EMERGENCIES (TITLE III), GENERAL PREPAREDNESS

1. Overview of the National Strategy

A key component of the Agency's hazardous waste program is to ensure effective implementation of programs to prevent chemical emergencies and to prepare State Emergency Response Commissions (SERCs), Tribes, and Local Emergency Planning Committees (LEPCs) to respond to such emergencies. The long-term goal of the Chemical Emergency Preparedness and Prevention Program (CEPP) is to protect public health and safety and the environment through the reduction of chemical accidents. In FY 1991, EPA will continue to work closely with these groups on chemical emergency preparedness and prevention activities. Title III of SARA mandated major State and local responsibilities for emergency preparedness and community right-to-know activities. The regulations mandated by Title III have been promulgated. These regulations will be amended, as required, to add or delete chemicals or make other needed changes.

To accomplish effective implementation of CEPP programs, the role of EPA Headquarters is to set a national direction and to provide additional guidance, program oversight and assessment, and support to Regional Offices. In particular, Headquarters will coordinate federal training and technical assistance resources provided to Regions. Federal interagency coordination at the national level will take place primarily through the National Response Team (NRT) and directly with key agencies such as the U.S. Coast Guard (USCG), Federal Emergency Management Agency (FEMA), the Occupational Safety and Health Administration (OSHA), and the Department of Transportation (DOT). Within EPA, OSWER will coordinate closely with the Office of Pesticides and Toxic Substances (OPTS), which has the lead for Section 313 of Title III (emissions inventory). The Title III Implementation Workgroup provides a mechanism in which OSWER, OPTS, and all other involved offices in the Agency reach consensus on Title III issues. The Agency's Chemical Accident Prevention Work Group serves as a forum for coordinating activities, bringing cross agency expertise to the problems of data use, audits, guidance, and research. OPTS also provides technical support to OSWER on other Title III activities.

EPA Regions will be responsible for overall CEPP program implementation within their jurisdictions. Regions will provide assistance to States and Tribes in the implementation of their Title III responsibilities by working closely with the SERCs. EPA policy and proposed rulemaking designates Indian tribes as SERCs unless the Tribe negotiates a cooperative agreement with a State or other Tribe to function as part of another SERC. In this role, Regional staff will provide training and technical assistance to the SERCs, which will, in turn, provide training and assistance to LEPCs. Regional staff also will monitor and assist SERC and LEPC implementation. The Regional CEPP Staff

will coordinate Title III activities within the Regions, including training, technical assistance, and through the Regional Response Team (RRT), may review emergency response plans, upon request. As with Headquarters, Regional staff will ensure close coordination with key Federal Agencies (e.g., United States Coast Guard, Federal Emergency Management Agency, Occupational Safety and Health Administration, Department of Transportation, and Health and Human Services) and use the RRT as the primary forum for interagency coordination. The SERC role is to provide program leadership in the State, to ensure the development of the emergency planning structure and implementation of State and local Title III responsibilities, and to provide training and technical assistance to communities.

The LEPC role is to take the lead in carrying out community right-to-know, emergency planning, preparedness, risk communication and to coordinate response functions.

General preparedness activities are those involving planning and preparation for environmental emergencies of a catastrophic nature. They include earthquake preparedness planning, national security emergency preparedness, utilization of the National Incident Coordination Team (NICT) and participation in other activities related to catastrophic natural or man-made disasters. EPA's role and long-term goal in general preparedness is to ensure effective preparedness for such catastrophic events within the areas of assigned responsibility to the Agency, in close coordination with FEMA and other cognizant federal departments and agencies.

The major activities for the CEPP program are to: (a) provide leadership for chemical emergency preparedness; (b) provide leadership in the prevention of chemical accidents; (c) improve information management and dissemination which includes risk communication and outreach activities; and (d) conduct Title III enforcement. The major activities for the general preparedness program are to provide leadership, oversight and analysis for: (a) the earthquake preparedness planning program and (b) the national security emergency preparedness program and as required, activate and provide operational support for the NICT.

2. Major Activities (CEPP)

a. Provide Leadership for Chemical Emergency Preparedness and Enhance Federal, State, and Local Preparedness and Response Capabilities

(1) Overview of the Activity

The primary goal in the chemical emergency preparedness area will be to assist SERCs and (through SERCs) LEPCs in carrying out ongoing emergency planning and community right-to-know responsibilities in order to protect public safety and health and the environment.

The deadline for completion of initial LEPC emergency response plans occurred in FY 1987. Headquarters will continue to develop or update tools for use by SERCs, Tribes, and LEPCs in the review, exercise, revision, and improvement of LEPC plans. Headquarters will also be revising the emergency planning and release notification regulations, as needed to add or delete chemicals on the Extremely Hazardous Substances List, provide needed clarifications or interpretations, or make other indicated changes.

Regional focus will continue to be on offering technical assistance and training for use by SERCs, Tribes, and LEPCs. Regions will emphasize the continuing nature of SERC, Tribe, and LEPC responsibilities in emergency planning and community right-to-know.

(2) Headquarters Activities

+ Provide guidance, technical assistance, training and methodologies for hazard analysis and emergency planning for use by SERCs, Tribes, and LEPCs.

  Revise the emergency planning and release notification regulation and the Extremely Hazardous Substances List (as needed).

  Coordinate preparedness activities through the NRT.

+ Maintain current knowledge of program implementation status nationwide.

(3) Regional Activities

+ Provide technical assistance and training to SERCs, Tribes, and LEPCs to enhance chemical emergency preparedness and response capabilities.

  Regional Response Teams (RRTs) should review local emergency plans pursuant to NRT guidance. The Regional CEPP staff will coordinate Title III activities within the Regions, including training, technical assistance and through the RRT, may review emergency response plans, upon request.

+ Maintain current knowledge of program implementation status in all states in Region.

b. Provide Leadership in the Prevention of Chemical Accidents

(1) Overview of the Activity

The goal in the prevention area will be to continue efforts to determine causes of chemical accidents and ways to prevent them, sharing information on prevention technologies and practices with

Regions, SERCs, Tribes, LEPCs, federal agencies, professional organizations, labor, academia, industry, and public interest groups and encouraging their initiatives in this area.

(2) Headquarters Activities

P Using the leveraging concept fundamental to CEPP, serve as a catalyst, encouraging the private sector to develop and disseminate information on practices and technologies to prevent chemical releases throughout industry, especially to smaller operations. Take initiatives to promote research and raise the state of practice in the area of chemical accident prevention. Provide guidance, technical information and training to enhance the capabilities of SERCs and LEPCs to deal with prevention issues, with regard to the causes of accidents and ways to prevent them.

Use ARIP and chemical safety audit data as potential sources of identifying facility non-compliance in all media program offices.

Investigate the potential use of other existing enforcement authorities (i.e., Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), Clean Water Act (CWA), Clean Air Act (CAA), for broadening program scope.

P Develop and communicate technical information, guidance, training and evaluation procedures regarding detection, monitoring, and prevention of chemical accidents for use by the Federal government, States, local communities, trade and professional organizations, labor and environmental groups, with an emphasis on improving safety in smaller operations.

Provide training to Regions, SERCs, Tribes, and LEPCs on chemical process safety and accident prevention, for use in dialogue and dealings with facilities that produce, use or store hazardous substances.

Support Regions in specific on-site investigations of major incidents and communicate lessons learned to State and local governments, industry, labor, professional organizations, and the public.

Through the Accidental Release Information Program (ARIP) and chemical safety audit program, continue gathering and analyzing information on accidental releases and prevention methods and sharing this information with SERCs, Indian Tribes, LEPCs, and national organizations.

(3) Regional Activities

+ Provide training and assistance to SERCs and LEPCs to understand chemical process safety, for use in dialogue with industry and to conduct chemical process safety audits. This

will include interpretation of technical guidance on chemical accident prevention.

P Conduct chemical process safety audits. Continue to send out ARIP letters and forms to facilities meeting release triggers. Review returned forms for development of initiatives and actions to prevent accidental releases, as well as for potential Title III compliance or inspection actions. Share information on releases (ARIP, audits) with SERCs. Provide copies of returned forms to Headquarters for updates to ARIP data base.

c. Improve Information Management and Program Support

(1) Overview of the Activity

With the advent of Title III, a large volume of important information on chemical hazards is being made available to SERCs, Tribes, and LEPCs. To use this information effectively, it is necessary to have cost-effective tools and methods for information management. The program will concentrate on providing such tools, guidances, and training to enhance SERCs', Tribes', and LEPCs' abilities to use data on chemicals and plan and respond to chemical emergencies.

With the volume of information on chemicals, quantities, and hazards available to the SERCs and LEPCs as a result of Title III requirements, the risk communication program will continue to concentrate on offering tools and materials for use by SERCs, LEPCs, and Tribes both to help them better understand the risks of chemical hazards and to communicate those risks to the public. This activity is essential for the revision and improvement of quality emergency plans and for integrating and providing Title III information to the public.

(2) Headquarters Activities

P Continue to provide assistance to SERCs, Tribes and LEPCs on how to manage Title III information and integrate that information with other State and local information. Support the development of information management tools, such as computer sytems and models, useful to emergency planning and response.

+ Issue guidance for industry, SERCs, Tribes, and LEPCs on the proper interpretation of the final regulation for Sections 311 and 312.

+ Continue to work with OSHA to identify mechanisms for SERC, Tribal, and LEPC training regarding proper interpretation of MSDSs and to identify solutions to other MSDS issues, such as use of standardized formats and automated systems. Evaluate the usefulness of MSDSs going to SERCs, LEPCs, and fire departments, and develop alternatives, as appropriate.

In coordination with OPTS and the Office of Policy, Planning, and Evaluation (OPPE), define problems in risk communication and develop training materials on communicating risks indicated by Title III information and develop tools and techniques that will provide a better understanding of risk communication.

+ As requested by Regional offices, provide problem-specific consulting and analysis in risk communication.

Continue to participate in or present sessions on risk communication in Title III at seminars or national conferences, and demonstrations of risk communication materials.

Work through the OSWER Communications Workgroup and the Title III Outreach Subcommittee to coordinate the development of outreach as necessary.

+ Develop outreach activities targeted specifically toward the general public.

+ Maintain and coordinate regular communication with outside groups, including providing to Congress timely information on major program activities and advising the media of upcoming activities.

Maintain a toll-free information hotline.

Participate in national meetings and conferences.

P Develop and distribute examples of successful practices in Title III at the SERC and LEPC levels (quarterly).

(3) Regional Activities

Continue to assist SERCs, Tribes, and LEPCs to improve their capabilities for managing Title III information. Conduct workshops and training, as necessary.

+ Continue to participate in risk communication case studies in conjunction with OPPE and OPTS Headquarters programs or through problem-specific analysis.

+ Continue to provide technical assistance to SERCs, Tribes, and LEPCs through training, distribution of materials, and workshops in risk communication.

+ Provide input to outreach materials and coordinate their distribution with SERCs to LEPCs and all other involved parties.

Participate in meetings and conferences dealing with chemical emergency preparedness and prevention and keep outside groups (including the media) informed of program activities.

+ Participate with SERCs and LEPCs to encourage increased compliance with Title III.

d. Conduct Emergency Planning and Community Right-to-Know Act (EPCRA) Enforcement

(1) Overview of the Activity

The goal of the enforcement program will be to increase compliance with EPCRA through routine compliance inspections of facilities to identify violations of EPCRA sections 302, 303, 304, 311, and 312 and CERCLA section 103. EPA will strive to work closely with States on case development and to develop State enforcement capabilities.

(2) Headquarters Activities

P Revise national enforcement strategy and enforcement response policy as needed.

P+ Develop information to aid Regions in targeting compliance inspections.

P+ Work with Regions on case development.

P+ Finalize development of cross listing of Standard Industrial Classification (SIC) code and hazardous chemical presence at facilities based on section 312 Tier II submissions to States.

(3) Regional Activities

P+ Develop Regional enforcement strategies based on interaction with States to increase targeting efficiency of compliance inspections.

P+ Develop Regional enforcement management systems to track enforcement activities.

P+ Develop cases for violations identified through compliance inspections.

P Follow up on State referreal and tips and complaints regarding violations of EPCRA sections 302, 303, 304, 311, 312, and CERCLA section 103.

3. Major Activities (General Preparedness)

a. Provide Leadership for Earthquake Preparedness Program

(1) Overview of the Activity

EPA is one of twenty-five federal departments and agencies who agreed in April 1987 to the Plan for Federal Response to a Catastrophic Earthquake. The goal of this major planning effort is to prepare for a fully coordinated federal response to State and local needs following a catastrophic earthquake, or other major disasters short of a national security event, through the development of operational response plans for each Regional risk area which has the potential for such a quake. FEMA provides overall program guidance and oversight for plan development, exercising, etc. EPA's main role is that of a primary Agency (Leader) for Emergency Support Function (ESF) #10-Hazardous Materials, which includes chemical, oil and radiological hazards. EPA has a support role in several other of the eleven ESFs. The focus of the program will continue to be on development and exercising of Regional risk area plans.

(2) Headquarters Activities:

P Provide technical guidance, assistance and training for the Regions and review draft plans to assure comprehensiveness and consistency.

Develop national policy for issues affecting all Regions. Interface and coordinate with EPA Headquarters program offices, FEMA and other Headquarters' departments and agencies on planning, exercise and response issues.

(3) Regional Activities

P Provide overall federal Regional leadership for hazardous materials plan development and exercising for each identified risk area.

\+ Update completed plans with new data resulting from exercises, experience, etc.

Participate in FEMA-sponsored exercises and coordinate these efforts with FEMA, other Regional departments and agencies, the RRT, affected States and local governments and with the Headquarters program office.

b. Provide Leadership for National Security Emergency Preparedness (NSEP) Program and Internal Agency Crises Management through The National Incident Coordination Team (NICT)

(1) Overview of the Activity

EPA participates with other federal departments and agencies at the national and Regional levels as part of Emergency Management Teams (EMTs) to handle federal government operations during a national security emergency, up to and including nuclear war. Under Executive Order 12656 and other federal directives, EPA has certain NSEP responsibilities which relate to its routine operations and planning and preparedness for reconstitution of the Agency following a major national security emergency. For other significant emergencies, short of an NSEP event, EPA coordinates response efforts through the NICT, a team of senior level program representatives at the headquarters and Regional levels.

(2) Headquarters Activities

P Provide overall program development, coordination, management, and training for the NSEP program and the NICT within the Agency in preparation for and response to a national security or other significant emergency.

P Participate in development and conducting of program exercises.

+ Develop a Headquarters Emergency Operations Center.

(3) Regional Activities

P Provide Agency leadership and coordination with Regional FEMA and other federal departments and agencies in preparation and planning for EPA responsibilities during NSEP events and other significant emergencies. Field and maintain fully-staffed and trained team members for EMTs and Regional NICT contacts.

P Participate in Regional development and conducting of program exercises and support materials for significant emergencies, involving the NICT, and national security emergencies involving the EMT's.

4. Appendix

APPENDIX I
TITLE III PROGRAM
KEY SUPPLEMENTAL REGULATIONS AND GUIDANCE

The regulations mandated by Title III have been promulgated. In FY 1991, the Chemical Emergency Preparedness and Prevention (CEPP) Program will be focusing on updating tools to aid State Emergency Response Commissions (SERCs), Tribes and Local Emergency Planning Committees (LEPCs) in the areas of preparedness, prevention, risk communication and information management. Implementation of the program will allow these entities to take appropriate action in the case of accidents and work toward preventing such accidents from occurring.

E. REGIONAL/STATE INITIATIVES NOT COVERED BY NATIONAL PRIORITIES

1. Overview

Although national initiatives are the cornerstone of EPA's programs, the Agency nonetheless recognizes that differing environmental conditions and concerns across the country often require the Regions and States to develop their own initiatives. OSWER encourages these initiatives, some of which are indicated below.

2. Initiatives

a. Develop Regional Standards for Waste Minimization Plans (Region III)

b. Minimize Wastes and Improve Data on Waste Generation (Regions VI and X)

c. Off-Site Capacity and Incinerators (Regions V, VI, and VIII)

d. Major Energy Facilities (Region X)

e. Pilot Planning Initiative -- Corrective Actions and Environmental Priorities Initiatives (Region I)

f. Investigate hazardous waste export/import activities at the Mexican border (Maquiladoras) (Regions VI and IX)

g. Mining Waste (Region VIII)

h. Chesapeake Bay (Region III)

i. Great Lakes (Region V)

j. Medical Waste (Regions II and V)

k. Implementation of Waste Oil Regulation (Region I)

Office Of
Pesticides And
Toxic Substances

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

FY 1991 OPERATING GUIDANCE

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FY 1991 PESTICIDES AND TOXIC SUBSTANCES OPERATING GUIDANCE

I. ASSISTANT ADMINISTRATOR'S OVERVIEW

A. Introduction

The FY 1991 operating guidance is intended to build on Agency-wide discussions that were held at the FY 1991 Easton planning meeting. This guidance provides direction to EPA and the States in carrying out programs under the following statutes: Toxic Substances Control Act (TSCA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, as amended in 1988), Superfund Amendments and Reauthorization Act of 1986 (SARA), Asbestos Hazard Emergency Response Act (AHERA), Asbestos School Hazard Abatement Act (ASHAA), Asbestos Information Act (AIA), and Federal Food, Drug, and Cosmetic Act (FFDCA). The pesticides and toxics programs also implement programs authorized under other statutes to protect ground water and endangered species.

Part I of this guidance outlines the FY 1991 major program directions and management principles for the pesticides and toxics programs. Part II contains specific program guidance and priority activities for eleven environmental problem areas. The level of funded activities will vary from Region to Region depending on needs and resource availability. Activities with associated SPMS measures are denoted by (SPMS) appearing at the end of the activity.

B. Program Directions

Traditionally, the pesticides and toxics programs have been viewed as primarily national chemical licensing programs. While national licensing responsibilities continue, we are continuing to face new and different challenges for which national approaches are not always appropriate and therefore enhanced attention to Regional and State roles in tailored management strategies and implementation oversight is needed. This major modification in program structure -- a shift from being primarily national licensing programs to being Headquarters/Regional/State programs -- is dependent upon a decentralized, effective field delivery system.

In FY 1991 the pesticides and toxics programs will continue to focus on the following environmental problem areas:

1. Asbestos Abatement

In FY 1991, implementation and accreditation activities will be continued. Those activities include increasing the infrastructure of accredited personnel; evaluating the AHERA schools program; providing technical assistance to building owners on thermal insulation; and supporting research, which will be jointly funded with the private sector, on exposure levels in buildings following abatement actions. Also, EPA will continue to monitor the progress

of ASHAA loan and grant abatement projects awarded in previous years. Finally, the program will continue to focus on encouraging States to assume AHERA program responsibilities, including accreditation of asbestos professionals.

Asbestos compliance monitoring and enforcement efforts will focus on: the overall coordination of asbestos activity; the development of Regional/State AHERA compliance program plans; providing guidance and strategies to the Regions; conducting inspections at LEAs to monitor compliance by LEAs and persons involved with implementation of AHERA; and conducting inspections to monitor compliance regarding the asbestos ban and phase-out requirements.

2. EPCRA - Section 313

A major goal for this program in FY 1991 is to support the development of regional and state capabilities to use the Toxic Release Inventory (TRI) data. This will in part result from greater public awareness of the data and the need for increased compliance by industry. The Regions and States will need the capability to analyze the TRI data indepth and, in conjunction with other data, conduct risk screening in specific geographic locations so that the public has a more accurate picture of the risk. Some Regions and most States do not have the expertise without assistance. Heightened public awareness and availability of two years of TRI data has created an increased demand by State and local governments for assistance. The Regions will need to enhance their State communications networks to respond to citizen inquiries about the TRI data.

Section 313 compliance assistance and enforcement efforts will focus on conducting inspections to verify that the required reporting of chemical information has occurred and the quality of that information is acceptable, and coordinating with States on the availability and use of the Toxics Release Inventory.

3. Polychlorinated Biphenyls (PCBs)

In FY 1991, the Toxics Program will continue to review and issue PCB disposal approvals, implement with the aid of all states a new notification and manifesting rule, issue a final revocation rule, and operate a clearinghouse of PCB disposal activities. Rulemaking will be initiated to address the processing of PCBs during metals recycling operations including the disposal of PCB contaminated fluff from shredding operations.

PCB compliance assistance and enforcement priorities will continue to focus on: the compliance of permitted disposal sites, intermediate handlers and brokers and monitoring the cleanup of PCB-contaminated natural gas pipelines such as Texas Eastern. Regions should work with the Emergency Response Branch in

responding to PCB spills, unauthorized use, and improper disposal incidents.

4. Groundwater Protection

In FY 1991, the program will continue to face concerns regarding pesticides in groundwater. The National Pesticides Survey will be completed; this data will help the Agency evaluate the extent of groundwater contamination and public exposure. The Agency's goal for FY 91 is to fully integrate inter-agency efforts (Pesticide Management Plans, Non-Point Source Management Plans and Wellhead Protection Plans) to protect the Nation's water supplies from contamination by agricultural chemicals and to coordinate these efforts with U.S.D.A. efforts.

This will require close coordination of program operating and grant guidance at the national level as well as efforts to match Agency's priorities and over all direction with those of USDA. At the regional level, the Pesticides, Groundwater and Non-Point Source Program's will need to work closely together to develop consistent state workplans to support program specific grants.

The Agency has taken the position that protection of groundwater will require a localized protection approach. This requires a greatly expanded/strengthened state role in problem identification and in the management of pesticide use. At the State level, there is the same overriding need for cooperation and coordination between involved agencies (e.g., the Department of Agriculture, Health Department, Environmental Agencies, etc.) as at the national and regional levels.

5. Endangered Species Protection

The Agency's goal is to have an enforceable Federal Program in FY 1992, therefore, during FY 91, the agency will be requiring registrants to begin the relabeling of products to conform with the requirement's of the Endangered Species Program. The program will continue to be largely voluntary in FY 91 emphasizing program recognition by users and information (map/bulletin,etc) distribution.

Those States developing state-initiated plans will be required to submit those plans to the Agency for review and approval before the enforceable Federal program begins. Until approval of a state plan, the Federal program will be enforced. Close cooperation among Headquarters, Regional, and State offices will be required for State plans to succeed.

During FY 91, the Regions are encouraged to work with Federal land managers (BLM, Forest Service, National Park Service) to identify those endangered species for which they should consult with the U.S. Fish and Wildlife Service.

6. Pesticide Worker Protection

In FY 1991, the Agency's goal will be to develop the training materials required by this program and to work with the states to develop an effective delivery system.

Successful implementation of worker protection standards and related product label changes will necessitate extensive communications and training to inform workers and employers about protective requirements. The complexity of reaching so many entities and individuals requires a decentralized Federal program. Training materials and technical assistance will be directed at the local level to facilitate effective communication tailored to local crops, practices, and State programs.

The pesticides worker protection compliance monitoring and enforcement activities will focus on ensuring compliance with the Agricultural Worker Protection Rule, through routine comprehensive inspections, and follow-up to incidents and complaint reports. Training seminars for States and technical assistance for public and private groups will also be an important part of compliance monitoring and enforcement efforts.

7. Certification and Training Part 171

In FY 1991 the Agency will work with the States to develop appropriate schedules for addressing the changes to State plans required as a result of the revised Part 171 Regulations. State training materials and competency standards, as required by the revised Part 171 regulations will need to be updated to include Groundwater, Worker Protection and Endangered Species materials.

8. TSCA - Sections 5 and 8

In FY 1991, the TSCA 5 and 8 program (transferred back to Regions I, IV, and VI-X from NEIC in FY 1990; Regions II, III, and V already had the program) will continue to concentrate on controlling entry and obtaining information on toxic chemicals in the environment.' The EPA will continue to control entry of toxic chemicals by reviewing premanufacturing notifications to identify chemicals of concern, adding to the list of chemicals subject to Significant New Use Rules (SNUR), and regulating the development and testing of microbial products of biotechnology.

Sections 5 and 8 compliance assistance and enforcement priorities will focus on regional compliance efforts which are crucial for the successful use of the program. Information is the lifeblood of these screening systems, but industry has or must obtain the data to feed the systems. Outreach, inspections, and enforcement are essential to give the effort integrity. EPA needs all the data, not just the data the manufacturer wants the Agency to have.

9. Hexavalent Chromium

In FY 1991, the program continues to face concerns regarding the use of hexavalent chromium-based water treatment chemicals in Comfort Cooling Towers (CCTs). Hexavalent chromium compliance assistance and enforcement priorities will continue to focus on conducting inspections to verify that the required reporting has occurred, proper labeling exists, recordkeeping procedures are being followed, and that no hexavalent chromium-based water treatment chemicals are being used in CCTs. Finally, the program will continue to focus on encouraging States to assume the hexavalent chromium program responsibilities.

C. Management Principles

The following management principles will guide the FY 1991 Pesticides and Toxics Program activities.

1. Building Regional/State/Tribal Capabilities

Implementation of the major pesticides and toxics program directions is dependent on effective, decentralized field delivery systems. In order to accomplish this, we will continue to strengthen Regional abatement and control capabilities, strengthen Regional enforcement, and dramatically enhance State and Tribal capabilities. While increasing Regional technical assistance and oversight, we are asking the States to take on three major tasks and Tribes to begin to become involved in these areas:

- Develop and implement tailored, site-specific management plans for ground water and endangered species;
- Assume responsibilities for pesticide worker protection and asbestos programs; and
- Enhance traditional inspection and compliance monitoring efforts.

State, Tribal and local entities generally lack the institutional capacity and capability to automatically assume new environmental roles. Additional resources for States and Tribes, as well as Regions, will be necessary to the continued development of their capabilities to effectively and credibly deal with site-specific environmental problems.

With implementation of the pesticides in ground-water strategy, the endangered species program, the pesticide worker protection program, asbestos abatement program, and SARA Title III (section 313) program, State, Tribal and local governments will continue to need technical assistance to make site-specific decisions. Many States and local governments need more data, and additional help

with analytical techniques and infrastructure to make these decisions. A major goal in FY 1991 is to continue to transfer risk assessment/risk management information and abilities to Regions, States and Indian Nations to enable local governing bodies to address geographically unique problems.

2. Strengthening Enforcement and Compliance

A focused and coordinated compliance monitoring and enforcement effort is critical for successful implementation of the pesticides and toxic substances programs. Without an effective enforcement presence to ensure compliance the regulatory loop is left unclosed and licensing and risk reduction efforts up to that point are wasted. Our enforcement program is essentially a combination of broad-based and specifically tailored compliance activities. The broad-based compliance activities serve as a means of: 1) informing the public and the regulated community so that they are aware of the requirements of pesticide and toxic substances statutes, regulations and policies with which they must comply; 2) using available data to effectively set priorities for enforcement activities; and 3) coordinating compliance efforts with States and other Federal agencies as appropriate. Specifically tailored enforcement activities, both civil and criminal, achieve compliance by identifying violations, abating the violating activity and directing the noncomplier to complete corrective actions. Additionally, enforcement actions enhance voluntary compliance by peers within the regulated community who are aware of such actions in the effort to identify violations and penalize those responsible.

Headquarters will work with the Regions and States in the development of guidance documents, model enforcement legislation and a State/EPA TSCA Advisory Committee to help the states in the development of their own enforcement capability.

The pesticides and toxics programs will work closely with the Office of Enforcement and Compliance Monitoring to employ criminal prosecutions to enhance OPTS' enforcement goals and priorities when appropriate (i.e., serious instances of pesticide misuse, illegal PCB disposal, or deliberate falsification of TRI, PMN or GLP data). As regulatory decisions increase in number and expand in focus, it will be necessary to coordinate inspection efforts by conducting multipurpose inspections and to coordinate national and State initiatives for critical problem areas and regulatory actions. This is key to effective and efficient use of enforcement resources. We need to bolster our ability to make and enforce geographically tailored risk management decisions. This can be accomplished through decentralizing enforcement programs to the States. Through cooperation of the States, we realize a much greater level of and more locally responsive compliance coverage than is available with Federal resources alone.

3. Promoting Pollution Prevention

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

4. Developing Environmental Indicators

OPTS has formed workgroups to develop improved output measures for environmental problem areas emphasized in our 4-year strategic plans. These indicators should result in meaningful SPMS measures or surrogates that are more indicative of our environmental successes. We anticipate that results of these workgroups' efforts will be available in FY 1991.

5. Emphasizing International Activities

The nation's most complex environmental problems cannot be solved by unilateral actions. OPTS plays an important role in international chemical evaluation by:

- Coordinating international review of existing chemicals. For example, we participate in the OECD Clearinghouse Project to test chemicals and provide data regularly to the computerized listing of chemicals being tested for toxic effects through the International Programme on Chemical Safety (IPCS) and the International Register of Potentially Toxic Chemicals.

- Developing a common screening system to set priorities for further review of internationally produced high volume chemicals, i.e., the Screening Information Data Sets (SIDS) project.

- Providing common data bases for use by third world countries, i.e. OECD EXICHEM data base disks are widely available.

- Implementing five international Good Laboratory Practices (GLP) agreements with the following European Economic Community (EEC) countries: United Kingdom, Netherlands, Japan, Federal Republic of Germany, and Switzerland. We anticipate moving the program toward development of new GLP agreements with non-EEC countries such as Canada, Israel, Brazil, and Sweden.

6. Encouraging Tribal Programs

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

In order to strengthen implementation of Tribal cooperative agreements, Tribal pesticide workshops have been coordinated by both Headquarters and Regional representatives. Coordination of Tribal activities and discussion of Tribal concerns will continue and be emphasized in the future to further the benefits received from Tribal cooperative agreements.

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

Technical assistance continues to be provided as needed under FIFRA, TSCA and EPCRA. OPTS is always looking for alternative ways to improve its Indian program communications and program focus. A study completed in FY 1989 will assist in this effort.

D. Pesticide and Toxic Chemical Use

OPTS directs its attention primarily to the use and registration of toxic chemicals. Specifically, OPTS' goals are to: (1) control risks from new chemical products by preventing unreasonably risky chemicals from entering commerce, safeguarding workers from unnecessary exposures to toxic chemicals, and encouraging safer substitutes; (2) control unreasonable risks from existing chemical products by obtaining adequate data to assess risks, providing public access to data that can legally be shared, and taking appropriate action to remove chemicals with unreasonable risks from commerce; and (3) through our field operations component, forge

new institutional linkages, encourage State assumption of program responsibilities, and provide a credible enforcement presence.

As end of pipe controls reach their technological or economic limits, toxic chemical use controls increase their attractiveness as supplements or alternatives. However, removal from widespread use of an existing chemical can result in serious environmental damage unless it is done under strict controls. An essential part of any toxic chemical use regulatory program is to ensure that the controls do not result in unintended adverse effects during their implementation. Toxic chemical use control as implemented by OPTS and its Regional and State counterparts is an essential part of the nation's pollution prevention strategy.

In FY 1991, OPTS will continue to intensify its commitment to involve the States as full partners in toxic chemical use control programs. States have demonstrated a strong interest in such programs. With very limited funding or no funding, at least 46 States have taken on significant responsibilities in the asbestos program, particularly in schools, and 18 States have included PCBs in their RCRA program. For enforcement of TSCA section 5, asbestos and PCB requirements, EPA has entered into enforcement cooperative agreements with 23 States. For enforcement of FIFRA, EPA has entered into cooperative enforcement agreements with 63 States, territories, Indian Nations, and other political entities.

Federal environmental laws put the Federal government very much in control of the "valve" from which environmental problems are identified and solutions are formulated. But the Federal pipeline is getting very full and it is impossible for the Federal government alone to handle all the environmental problems which have been the subject of Federal law. OPTS will further open the valve and ask State and local counterparts for assistance in addressing a wider range of environmental problems. Working with State and local agencies in this way would mean sharing responsibility, allowing them to make decisions about handling environmental problems within the bounds of statutory and resource constraints. OPTS will expand the dialogue with State and local agencies in FY 1991 to develop common sense strategies for sharing the responsibility for addressing toxic chemical use problems. We intend to conduct liaison with States to encourage their participation in the TSCA enforcement cooperative agreement program and encourage States to expand toxic substances enforcement authorities at the State level.

1. Control of Risks from New Chemical Products

The first leg of the triad of OPTS toxic chemical use control programs is preventing use of chemicals which pose an unreasonable risk to public health or the environment. The emphasis of this component of toxic chemical use control programs is on collecting and analyzing information to determine whether each new chemical

represents an unreasonable risk. Those chemicals that do pose an unreasonable risk are prevented from entering commerce which encourages the development of safer substitutes.

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

The Pesticide Program mechanism for controlling the entry of new pesticides (active ingredients) into the environment is the use of the registration process. The registration process is a national licensing program whereby potential registrants petition the Agency, provide health and environmental data, and the Agency then analyzes the risk associated with the chemical's use. If there are no unreasonable adverse effects to man or the environment, the product is registered. Because the current testing requirements are so thorough, this process encourages the development of safer substitutes for products that were registered before our modern comprehensive data requirements were established.

In FY 1991, the registration activities will be affected by the 1988 FIFRA Amendments. Complete applications for certain initial or amended registrations of products that are similar to pesticides already registered will be reviewed and processed within 90 days after receipt of complete applications.

In order to ensure that the requirements resulting from the registration process are implemented, compliance must be monitored. Headquarters will implement a program for tracking data submission requirements for the registration process and the issuance of 3(c)(2)(B) suspensions when warranted. Registrants' progress in acquiring and submitting data must also be monitored. These tracking and monitoring programs must address the data submittal requirements included in the 1988 amendments to FIFRA.

As an additional element of routine comprehensive inspections, States will conduct inspections to ensure compliance with the label

requirements, suspension/cancellations, use restrictions and other restrictions and precautions imposed as a result of the registration and re-registration process. The Regions will provide guidance and oversight for these activities.

2. Control of Risks from Existing Chemical Products

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

The toxics program obtains information on chemicals in a variety of ways. Under section 8 of TSCA manufacturers of chemicals can be required to provide data on hand about chemicals which need further analysis by EPA. Under section 4 of TSCA manufacturers can be required to generate additional data by performing specific testing of chemicals. Under the community right to know provisions of SARA (Title III, section 313) facilities which manufacture, process, or use certain chemicals are required to annually report the amount of emissions of those chemicals to the air, water, and land.

Regional compliance efforts are crucial for the successful use of sections 8, 5 and 4. Information is the lifeblood of these screening systems, but industry has or must obtain the data to feed the systems. Outreach, inspections, and enforcement are essential to give the effort integrity. EPA needs all the data, not just the data the manufacturer wants the Agency to have.

Headquarters tracks submission of data required under TSCA section 4 to assure deadlines are met. TSCA Section 4 violators will be issued Civil Administrative complaints and are subject to administrative civil penalties. TSCA sections 4 and 8 field inspections will involve audits of laboratories conducting studies and data collection for hazard evaluations of chemical substances and audits of information submissions, respectively.

Headquarters, NEIC and several Regions will conduct a compliance monitoring program to determine whether testing laboratories are observing Good Laboratory Practices to ensure the scientific validity of data submitted to EPA in support of existing chemicals.

The toxics program reduces risk from chemicals already in use by applying section 5(a)(2) of TSCA, which allows OPTS to prohibit or

limit manufacture, processing, distribution in commerce, use or disposal of a substance pending the development of information sufficient to permit a reasoned evaluation of the health and environmental effects of the substance.

OPTS also uses section 6 of TSCA to prohibit or limit the manufacture, processing or use of substances (like PCBs), to require labels for substances, to require recordkeeping pertaining to substances, or to prohibit or regulate disposal of substances, if a substance is determined to present an unreasonable risk.

The pesticide program has several mechanisms to control the use of pesticides in the environment. First only certified applicators may use restricted use products. Pesticide applicators are provided (primarily by state Cooperative Extension Services) training to inform them on proper and safe application techniques. This training, helps private and commercial applicators reach an acceptable level of competency. Restricted use applicator are certified, for the most part, by the states.

Another mechanism is to restrict the use of certain pesticides (i.e., restricted use products) that have the potential to cause adverse effects to man or the environment when applied incorrectly. Sale or distribution is limited to applicators that have been trained and certified by a State. The Agency then is assured that the applicator has demonstrated knowledge of safe pesticide handling practices and is more likely to apply the potentially hazardous product correctly.

The reregistration process reexamines pesticides first registered before November, 1984, in light of current scientific standards for registration. This process entails: 1) an evaluation of all existing data supporting the currently registered uses of a pesticide; 2) an identification and call-in of any additional data required for a complete evaluation; 3) conducting an assessment of the potential risk to human health and the environment: 4) evaluating the fate of the chemical in the environment; and, 5) reevaluating food tolerances and adjusting them as necessary.

The primary focus for the FIFRA 1988 amendments is the re-registration of the older chemicals. These chemicals potentially pose more of a risk to humans or the environment than the "newer" pesticides, because more recent testing requirements and risk analyses have not been completed for these chemicals.

Under the new amendments, re-registration of all older products will be completed in a five phase process which includes:

-- Phase 1. In 1989 EPA was required to publish lists of pesticides that are subject to re-registration. This phase is complete.

-- Phase 2. In FY 1989 and 1990 registrants were required to declare their intention to seek re-registration of their product and identify missing or inadequate data and agree to provide that data. This phase is underway.

-- Phase 3. In FY 1990 and 1991 registrants must reformat and resubmit existing studies to facilitate an EPA review. They must also "flag" data that indicate adverse effects and commit to providing data for missing or inadequate studies.

-- Phase 4. By FY 1992 EPA will independently review submission by registrants under phases 2 and 3, identify data gaps and issue requirements to fill their gaps.

-- Phase 5. By FY 1998, EPA will complete their review of all chemicals and either re-register or take other appropriate action.

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

The toxics program efforts to discontinue use of chemicals have focused primarily on asbestos and PCBs. Through a variety of regulatory actions, and technical and financial assistance activities, OPTS has either stopped or proposed to stop the continued use of these substances, required certain activities to identify and assess the hazards associated with the past use of these substances, and directed that under certain circumstances these hazards be abated through removal and disposal under strict controls.

An important component of removing chemicals from the environment is gaining compliance with the regulatory actions or technical guidance designed to remove these chemicals. Enforcement inspections and outreach programs conducted by Regional Offices are crucial to reducing risk by removing chemicals.

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

Removal of pesticide products from the environment is handled by two separate functions. First is the special review mechanism; the second is the disposal of cancelled and suspended products. The special review function is the process whereby EPA evaluates a product's registration in light of information that leads the Agency to believe that the risk/benefit balance is skewed towards

the risk side of the equation. This process is used to do an in-depth study of the risks associated with a product's uses, and the benefits associated with those uses. When the risks are too high, some or all of a chemical's uses can be cancelled or suspended. Prior to the FIFRA 1988 amendments, the Agency would then be responsible for the indemnification and disposal of the suspended products which were subsequently cancelled.

As a result of cancellation actions, the Agency still has two products to dispose of in 1990: 2,4,5-T/silvex and any remaining stocks of dinoseb that were not destroyed in 1989. In 1990, the Agency will have the ability to require registrants to recall products and dispose of them. The Agency will be responsible for indemnifying citizens that were not able to sell their products back to distributors or retail merchants.

Headquarters will develop compliance monitoring strategies, as needed, to address actions such as cancellations and suspensions, including requirements for companies to recall products. The Regions and States will implement appropriate provisions of such strategies, once finalized. States will complete inspections, as part of routine comprehensive inspections when appropriate, and both the Regions and States will take enforcement actions, as appropriate, to ensure compliance with cancellation and suspension orders and use restrictions imposed by special reviews, as well as recalls required by EPA for suspended and cancelled pesticide products.

3. Field Operations

The effectiveness of our national programs depends on the decisions of hundreds of thousands of building owners, contractors, pesticide applicators, consultants, transporters and disposal operators. Meaningful program coordination with pesticides and toxics field components at the Regional and State levels is essential to risk reduction. Incorrect or improper action will not only undermine the effectiveness of our programs, they can substantially increase the risk to society. By building upon existing programs in the States, or encouraging the development of new programs where necessary, and furthering education and outreach, we will accomplish the goals of our programs.

It is also critically important to have highly effective training and guidance programs, augmented by credible enforcement, in order to influence the hundreds of thousands of decision-makers that will determine how well our programs operate to reduce risk.

Specific details and major activities of field operations are discussed below in the Environmental Problems section.

II. ENVIRONMENTAL PROBLEMS

A. Asbestos Abatement

1. Strategy to Address the Problem

The FY 1991 toxic chemical use control program for asbestos has several components. These components reflect the results of implementing the requirements of two Acts of Congress: the Asbestos School Hazard Abatement Act of 1984 (ASHAA) and the Asbestos Hazard Emergency Response Act of 1986 (AHERA). Continued activities include providing information and technical assistance about the requirements of the regulations; increasing the number and quality of accredited inspectors\management planners and abatement contractors and workers available to conduct the activities specified in school asbestos management plans; performing compliance inspections to determine whether schools are carrying out the requirements of the law; and increasing State capabilities to control asbestos in schools. These activities have been and will continue to be conducted by the States and EPA Regional personnel including members of the American Association of Retired Persons (AARP).

For asbestos in public and commercial buildings, OPTS will continue to carry out its recommendations made in the February 1988 report to Congress which include: (1) enhancing the nation's technical capability, (2) focusing more attention on thermal system insulation, (3) improving integration of enforcement activities to reduce imminent hazards, and (4) assessing the AHERA regulations and conducting research studies about asbestos exposure in public and commercial buildings and the efficacy of abatement techniques. Additionally, activities are planned for conducting a public buildings dialogue with NIOSH, OSHA, and the states. Initiation of a joint GSA/EPA project on management of asbestos problems in Federal Buildings is included on the Agenda for FY 1991. The results of these activities will be to develop necessary guidance and provide appropriate technical assistance to building owners and managers, increase the number of persons accredited to conduct asbestos inspections and response actions in public and commercial buildings, and provide EPA with information it will need in order to make further recommendations to Congress about the appropriateness and feasibility of a regulatory control program for public and commercial buildings. Again, increasing State control capabilities is a priority.

EPA continues to implement the requirements of the Asbestos Ban and Phase Out Rule. The primary enforcement burden of the regulation will begin in 1993.

The continued major thrust of the OPTS FY 1991 strategy for asbestos is decentralization of appropriate program activities to the States. In the development of the asbestos-in-schools program and general technical assistance over the past several years, States have been involved in carrying out significant responsibilities as directed by Federal statute or because States have recognized the importance of these activities and have chosen to develop their own programs. The kinds of activities in which States have been involved include: (1) enforcement of the National Emissions Standards for Hazardous Air Pollutants on asbestos (39 States); (2) review of ASHAA loan and grant applications from schools (all States); (3) asbestos contractor training and certification programs (those 40 States with EPA grant funds); (4) funding programs to defray costs of school inspection and management plan development (31 States with EPA grant funds); (5) inspector\management planner training and accreditation (17 States with EPA grant funds); (6) contractor accreditation programs which meet all AHERA accreditation requirements (at least 13 States); (7) review of school management plans required under AHERA (most States); (8) development of asbestos inspection and management programs which meet all AHERA requirements (2 States); and (9) increased liaison with States to develop enhanced TSCA authorities for asbestos enforcement.

As the problem of asbestos in public and commercial buildings now identified as the priority asbestos activity in OPTS and the Regional Offices, the continued success of the asbestos-in-schools program will become even more dependent upon States taking an active role. As more of EPA's asbestos resources are focused on non-school buildings, States will need to take on more responsibility and decision-making authority in carrying out the asbestos-in-schools program. OPTS has called upon the National Council of State Legislatures to support state accreditation programs and develop a model plan for asbestos management in public and commercial buildings. OPTS can and will perform a variety of activities to facilitate decentralization of the schools program to the States. Grant activities to enhance State Asbestos Programs, begun in FY 1990, will be completed in FY 1991. As FY 1991 progresses, OPTS will conclude its evaluation of the AHERA schools rule and begin preparation of a report on the status of asbestos in public buildings, as promised in its February 1988 report to Congress.

2. <u>Headquarters Activities</u>

<u>Program Activities</u>

- Continue the Agency's asbestos technical assistance program which includes the development of new technical bulletins, training materials and other such information especially targeted to public buildings.

- Work with regions and states to coordinate/facilitate increased state assumption of program responsibilities.

- Continued monitoring activities for prior-year projects which received ASHAA loans and grants (projects since 1985).

- Conduct the 1990 ASHAA loan and grant program. (Providing Congress approves.)

- Maintain asbestos technical counsel and document distribution service over the TSCA hotline.

- Continue implementation of our asbestos-in-buildings program, which includes a major corporate use study, and model Federal program with GSA.

- Work with other EPA offices which are implementing programs targeted at the school community in order to increase the effectiveness of EPA's outreach activities.

- Facilitate and coordinate NESHAP/TSCA activities.

- Funds permitting, continue to fund OPTS non-enforcement TSCA cooperative agreements to enhance state asbestos activities.

Compliance/Monitoring Activities

- Headquarters will review Regional AHERA Program Plans and provide Regions with comments and recommendations for modifications to these plans as appropriate.

- OPTS will update compliance monitoring strategies, enforcement response policies and inspection checklists for AHERA as appropriate.

- Headquarters will develop the compliance monitoring strategy, the enforcement response policy and inspections checklists for the Asbestos Ban and Phase-Out Rule.

- The Agency will issue the FY 1992 TSCA Compliance Cooperative Agreement Guidance, which discusses requirements and priorities related to asbestos compliance cooperative agreements.

3. Regional Activities

Program Activities

- Focus primary outreach and technical assistance programs on public buildings. (SPMS T-6)

- Maintain asbestos outreach and technical assistance programs for building owners, workers, and other affected groups.

- Monitor school ASHAA grants. (SPMS T-1)

- Coordinate NESHAPS/TSCA programs in the Regions.

- Continue facilitation in developing State asbestos program capabilities in order for States to assume responsibilities that are currently done by EPA. (SPMS T-7). Maintain program responsibility until states assume program, and provide oversight to states that have assumed program responsibility.

- Reinstitute and maintain EPA asbestos information and training center programs on an unfunded basis. Headquarters will issue guidance.

Compliance/Monitoring Activities

- The Regions will implement their FY 1991 AHERA Program Plans for the Regional AHERA compliance programs and conduct inspections in accordance with the Compliance Monitoring Strategy for AHERA. The Regions will annually evaluate their AHERA Program Plans and amend them according to their evaluation findings.

- The Regions will take enforcement actions consistent with the Agency's enforcement response policy for AHERA.

- The Regions will establish and maintain a log system for tracking tips and complaints and referrals from the NESHAPs program.

- Regional staff will monitor compliance with the worker protection rule to assure the safety of asbestos abatement and general maintenance workers. (SPMS T-6)

- Regional staff will prepare for compliance monitoring activities regarding the asbestos ban and phase-out rule and conduct inspections or oversee State inspections and take enforcement actions consistent with the ban and phase-out enforcement response policy once the compliance dates become effective.

- Negotiation, oversight and evaluation of asbestos compliance cooperative agreements will continue.

4. State Activities

Program Activities

- Establish AHERA accreditation programs, as required by law.

- Conduct other AHERA and ASHAA (school) program responsibilities.

- Assume increased responsibility and leadership for asbestos programs affecting public and commercial buildings.

Compliance/Monitoring Activities

- States will develop and submit, as part of their annual Asbestos Compliance Cooperative Agreement applications, an AHERA Program Plan in accordance with the annual TSCA Compliance Cooperative Agreement Guidance.

- States will implement their AHERA Program Plans and conduct inspections consistent with the AHERA Compliance Monitoring Strategy and commitments under their cooperative agreements.

- States will refer to the EPA Regional Offices violations of AHERA that are discovered during inspections conducted under compliance cooperative agreements.

- States with asbestos compliance cooperative agreements will establish and maintain a log system for tracking tips and complaints, and referrals received from the NESHAPS program.

- Additional State compliance cooperative agreements will be developed to address the growing interest on behalf of those States which wish to take a more active role in asbestos-related enforcement activities in the field and in an effort to facilitate decentralization of asbestos enforcement activities.

5. Research Activities

- The effectiveness of asbestos abatement procedures, emphasizing removal techniques, and operation and maintenance procedures will continue to be evaluated.

- Control strategies for maintaining work area isolation during removal in tall and occupied buildings will be evaluated.

- Measurement methods and quality assurance programs for asbestos will be developed. This will include evaluation of airborne asbestos sampling procedures.

- Standardized sampling methods, analytical and monitoring procedures will continue to be developed and/or improved, including identification, measurement and characterization of asbestos fibers.

B. EPCRA - Section 313

1. Strategy to Address the Problem

At the outset of FY 1991, OPTS will have collected three years' data under the TRI program. The data obtained for the reporting years 1987 and 1988 will have been made available on line to the public by June 1990. The strategy for FY 1991 will focus on more efficient processing of forms, additional assessment of data quality, and improved accessibility/usability of the NLM database.

Specifically, the FY 1991 TRI program includes the following objectives: (1) encourage reporting from more facilities so as to receive emissions data from a larger percentage of facilities required to report under section 313; (2) improve data quality and accuracy of emissions estimates reported by facilities; (3) provide emissions data and reports in formats which are useful to the general public and to Federal, State, Tribal, and local environmental officials; (4) maintain TRI network of Federal, State, Tribal, and local environmental officials and provide network members with necessary assistance to answer inquiries from the public; and (5) facilitate use of data by Federal, State, Tribal, and local officials as a screening tool for identifying environmental problems in need of further investigation or action.

2. <u>Headquarters Activities</u>

<u>Program Activities</u>

- Initiate forms processing using an optical character reader to cost effectively increase productivity. Continue to support and encourage submission via magnetic media in order to reduce data entry costs.

- Continue efforts to assure quality of TRI data.

- Continue efforts to raise awareness among affected facilities about reporting requirements and provide technical guidance to improve accuracy of release

estimates by maintaining the Hotline and conducting industry outreach.

- Continue to provide materials and other resources to Federal, State, Tribal, and local personnel in the TRI network to prepare them to respond to public inquiries.

- Identify opportunities for the EPA programs, Regions, States, Tribal, and local governments to utilize TRI data and assist with analysis of data for detecting and addressing environmental problems. (SPMS T-4)

- With help from the regions consider expanding the "Train the Trainers" program to include state personal workshops.

- Provide funding to States to implement data quality assurance programs under TSCA Section 28.

- Evaluate the need for, and if appropriate, promulgate a peak release reporting rule or other amendments to the reporting requirements.

- Complete the review of the 3-year sunset provision of the reporting requirements.

- Continue to refine and revise the TRI list of chemicals by rule, respond to petitions and process trade secrets.

- Publish a third National Report and provide assistance to the Government Accounting Office for their report to Congress.

- Continue to make TRI data available to the public via electronic and other means.

Compliance/Monitoring Activities

- Owners or operators of a facility subject to the requirements of section 313 must report annually to EPA and to the facility's State of residence their releases of certain listed chemicals to any environmental medium. Headquarters will take initial action against facilities which fail to respond to a Notice of Noncompliance (NON) for incomplete and incorrect submissions.

- Headquarters will review Regional Annual Program Plans and provide Regions with comments and recommendations for modifications to these plans as appropriate.

- Headquarters will coordinate OPTS data quality assurance activities with the Regions/NEIC regarding data quality inspections.

- Headquarters will revise the section 313 Compliance Monitoring Strategy, enforcement response policy and inspectional guidance as appropriate.

- Headquarters will supply support services for contract data quality verification inspections and complete a computer based inspection targeting system for use by Regional/AARP/contract inspectional activity.

3. Regional Activities

Program Activities

- Conduct outreach programs to encourage comprehensive, accurate, and timely reporting of emissions by industry.

- Continue work with State and Tribal pollution control agencies to facilitate cross-program, inter and intra-agency communication and coordination on use and interpretation of, and programmatic response to the TRI data.

- Integrate Title III activities at the Regional level and encourage use of TRI data by other media offices in the Region.

- Encourage Regional, State, local, and Tribal pollution prevention and other environmental programs and increase public awareness through outreach, which includes: providing interpretive information concerning chemical releases; informing them on ways to access data; encouraging use of the data; and providing training on access and data use.

- Manage TSCA Section 28 State grants with limited number of States to develop data quality activities at the State level.

- Conduct industry audits to identify opportunities for waste minimization/pollution prevention activities and provide related technical information to states.

- Work to decrease emissions through data analysis, identify facilities of concern and provide pollution prevention information/technology transfer to the regulated industries.

Compliance/Monitoring Activities

- The Regional Offices will submit their annual section 313 Program Plans to Headquarters and implement the remaining pertinent provisions of the section 313 Compliance Monitoring Strategy and any amendments to this Strategy.

- EPA will assure compliance with section 313 by: 1) Identifying suspected nonreporters, investigating to determine if they are subject to reporting, and taking enforcement actions; 2) Identifying and taking enforcement actions against a prioritized subset of reporters who have submitted reports with readily determined errors; 3) Conducting technical inspections to assess the quality of submitted data and taking appropriate actions to ensure data quality; 4) identifying late reporters and taking appropriate action.

- Case development will continue as a major Regional effort in FY 1991. (SPMS T/E-1)

- Regional section 313 personnel will coordinate closely with counterparts in the Region who are implementing other sections of EPCRA. Coordination will focus on exchanging information on facilities' compliance and, thereby, provide referrals on possible violators.

4. State Activities

Program Activities

- Encourage reporting through various outreach activities and raise awareness about the TRI reporting requirements.

- Conduct annual training seminars for reporting facilities to explain the reporting form or any changes in reporting requirements.

- Continue to develop State data bases that fully integrate data collected under Title III reporting provisions.

- Establish State TRI networks capable of responding to public inquiries ranging from requests for basic information to requests for characterization of risk in particular situations.

- Work with Regional offices to identify facilities of concern and provide pollution prevention information to regulated industries.

- Conduct data quality activities as set forth in any approved state TRI grant.

Compliance/Monitoring Activities

- The State and Tribal agencies responsible for EPCRA will be asked to coordinate with EPA. Initial efforts at coordinating with States and Tribes will be to crosscheck which facilities, if any, reported to a State or Tribe but not EPA, and which facilities reported to EPA but not with the State or Tribe. Coordination efforts should also involve sharing information regarding the identity of the regulated community and referrals on possible violators.

5. Research Activities

- Section 313 chemical profiles will continue to be prepared and installed into the Integrated Risk Information System (IRIS).

- A select group of multiple process situations, where release estimation is difficult, will be analyzed.

- Sampling and analytical methods will be developed to support environmental and exposure monitoring for section 313 chemicals.

- Industrial emission estimation methods will be developed, analyzed and evaluated.

C. Polychlorinated Biphenyls (PCBs)

1. Strategy to Address the Problem

In FY 1991, OPTS will continue to review and issue PCB disposal approvals for mobile facilities, provide support to the Regions in their review of commercial storage applications, review exemption petitions and develop exemption rulemaking, operate a clearinghouse of PCB disposal approvals, oversee Regional permitting programs, issue interpretive guidance, maintain oversight of the Texas Eastern cleanups, and address issues associated with gas pipeline removal and abandonment. In addition, OPTS will initiate rulemaking to address the processing of PCBs during metals recycling operations including the disposal of PCB contaminated fluff from shredding operations.

OPTS will attempt to increase State participation in evaluations of site consideration in applications for PCB disposal approvals for fixed site disposal facilities. OPTS will encourage State governments to develop in-house expertise at the State level on PCB disposal technologies and PCB risk assessments.

Efforts will also be initiated by OPTS to decentralize the PCB cleanup program to the States, making States responsible for

setting the proper level of cleanup for old PCB spills (spills occurring prior to the PCB spill cleanup policy). OPTS will develop Federal guidance on PCB risk assessment and TSCA cost/benefit balancing for PCBs and encourage development of in-house expertise at the State level in setting these levels.

2. Headquarters Activities

Program Activities

- Monitor on a nationwide basis all PCB disposal and storage--facility permitting, update old permits, and make available public information reports on who is permitted to do what and where, and the permittee handling record.

- Address the issue of scrap and salvaging of PCB contaminated equipment and fluff generated from shredding.

- Develop guidance for Regional permitting activities (storage and disposal facilities).

- Continue active oversight of Regional permitting activities, with emphasis on permitting storage facilities.

- Continue to provide risk assessment support for PCB issues at the Regional level.

- Continue to provide guidance and interpretations of the PCB regulations, particularly more recent rules such as manifest and reporting rule and spill cleanup and reporting rule.

- Develop Federal guidance on PCB risk assessment and TSCA cost/benefit balancing.

- Test and distribute software package for risk assessment.

Compliance/Monitoring Activities

- Headquarters will review the Regional PCB Program Plans and provide Regions with comments and recommendations for modifications to these plans as appropriate.

- Headquarters will use the information on violations at Federal facilities to determine if Headquarters needs to address problems with specific agencies or departments.

- Headquarters will monitor the conditions of the Consent Agreement and cleanup of Texas Eastern's PCB-contaminated natural gas pipeline.

- The Agency will issue annual TSCA Compliance Cooperative Agreement Guidance, which includes requirements which States receiving PCB compliance cooperative agreements must fulfill.

- Headquarters will monitor the conditions of the consent agreement and cleanup of other natural gas pipeline system operations.

- Headquarters will develop guidance that issues criterion and procedures for determining if a natural gas pipeline that has been contaminated with PCB has been adequately decontaminated for continued use.

3. Regional Activities

- Continue to review applications for and issue PCB disposal permits.

- Target inspections for environmental results.

- Permit commercial storage facilities.

- Call-in old/deficient PCB disposal permits.

- Provide technical assistance, guidance and interpretation of the PCB regulations to the regulated community and States.

- In cooperation with HQ, provide technical and risk assessment support for local PCB issues as resources allow, on a Region-by-Region basis.

- Review and issue R&D PCB disposal permits under 500 pounds.

Compliance/Monitoring Activities

- The Regions will develop and submit PCB Program Plans to Headquarters for the Regional PCB compliance programs based on the PCB Compliance Monitoring Strategy and its amendments, and an evaluation of the inspection schemes from the previous year.

- Regions will implement the PCB Compliance Monitoring Strategy and its amendments.

- The Regions will inspect potential PCB manifesting, storage and disposal sites and determine if these facilities are in compliance. Priorities for inspections include permitted disposal sites and intermediate handlers and brokers identified through the notification rulemaking. (SPMS T/E-6)

- The Regions will monitor the conditions of Consent Agreements and cleanups of PCB-contaminated natural gas pipelines in their Region.

- Regions will negotiate and oversee State PCB compliance cooperative agreements, and ensure that the States' inspection schemes parallel the PCB compliance strategy and its amendments.

- The Regions will work with their state grantees so that they assume full responsibility for case development activities under their enforcement cooperative agreements.

- States should continue to draft enforcement actions; overview PCB cleanup as appropriate and provide information to the regulated community.

4. <u>State Activities</u>

<u>Compliance/Monitoring Activities</u>

- The States with PCB compliance cooperative agreements will develop and use for FY 1991 an inspection scheme which includes a specific method or criteria for selecting FY 1991 inspection targets and for priority setting based on: 1) The Agency's second PCB Compliance Monitoring Strategy amendment, issued on May 2, 1988; and 2) The identification of any serious environmental or human health risks from PCBs in the State.

- The States with PCB compliance cooperative agreements should establish and maintain a logging system for tracking tips and complaints.

- In conducting inspections and their other cooperative agreement activities, the States will comply with the FY 1991 TSCA Compliance Cooperative Agreement Guidance and EPA's PCB Compliance Monitoring Strategy as amended.

- Additional State Compliance Cooperative Agreements will be developed to address the growing interest on behalf of those States which wish to take a more active role in PCB-related enforcement activities in the field.

D. Groundwater Protection

1. Strategy to Address the Problem

In FY 1991, the program will continue to face concerns regarding pesticides in groundwater. The National Pesticides Survey will be completed; this data will help the Agency evaluate the extent of groundwater contamination and public exposure. The Agency's goal for FY 91 is to fully integrate inter-agency efforts (Pesticide Management Plans, Non-Point Source Management Plans and Wellhead Protection Plans) to protect the Nation's water supplies from contamination by agricultural chemicals.

To meet these goals on the National level, Headquarters will disseminate National objectives, technical documents to guide Regional, State and local officials in achieving the necessary controls over pesticides to protect groundwater from chemical contamination. At the regional level, the Pesticides, Groundwater and Non-Point Source Programs will work closely with one another to develop consistent state workplans supported by multiple Program grants.

The Agency has taken the position that protection of groundwater will require a localized protection approach. This requires a greatly expanded/strengthened state role in problem identification and in the management of pesticide use. At the State level, there is the same overriding need for cooperation and coordination between involved agencies (e.g., the Department of Agriculture, Health Department, Environmental Agencies, etc.) as at the national and regional levels.

2. Headquarters Activities

Program Activities

- In 1990, OPTS issued a groundwater management strategy. In 1991, OPTS will provide assistance to the States and Tribes to develop pesticide management plans for protecting the States' groundwater resources.

- OPTS and the Office of Drinking Water (ODW) will develop drinking water standards and Health Advisories for pesticides not previously covered. These advisories can be used by the States and Tribes as reference points for groundwater protection programs.

- OPTS will finalize in 1990 a restricted use rule to classify pesticides based on groundwater concerns. In FY 1991 OPTS will work with the States and Regions to implement this rule, including the development of groundwater educational programs.

- In FY 1990, OPTS and ODW will complete work on the National Survey of Pesticides in Well Water. This is a comprehensive statistical survey of underground drinking water sources in the U.S. The results of this survey will be examined in FY 1991 to better characterize the nature and extent of contamination of ground water by pesticides and relate the occurrence of pesticides with usage patterns.

- Headquarters will develop and evaluate as necessary, a baseline ground water data base that is consistent with other program offices.

- Headquarters will identify and restrict pesticides that can only be used with a State management plan.

- Headquarters will provide assistance to the Regions in the review and approval of State management plans.

- Headquarters will continue to explore alternative funding for State and Regional activities.

- Headquarters will issue the FY 1992 FIFRA Program Cooperative Agreement Guidance that is coordinated with and complementary to guidance issued by the Ground Water and Non-Point Source Programs. Note that Program Cooperative Agreement Guidance is part of the umbrella grant guidance that includes compliance and enforcement as well as program components for ground water, endangered species, worker protection and C&T.

Compliance/Monitoring Activities

- Headquarters will draft and distribute for comment compliance monitoring strategies, policy interpretations and enforcement response policies, as needed, which address any mandatory components of OPTS' groundwater protection program which will need to be enforced by Regions and States in 1991.

- Headquarters will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to help ensure compliance with restrictions related to groundwater protection.

- Headquarters will provide information for guiding State inspectors in enforcement of the Agency's Agricultural Chemicals in Groundwater Strategy.

3. Regional Activities

Program Activities

- The Regional Offices will provide assistance to the States and Tribes in the development of management plans to protect ground water, and review/approve plans as necessary.

- The Regional offices will negotiate with the States, Tribes, and territories on the program components of the ground water program for the FY 1992 FIFRA Cooperative Agreements that are coordinated with Ground Water and Non-Point Source Programs.

- The Regional Offices will provide input on the development of guidance for pesticide management plans for protection of ground water.

- Regional pesticide experts will assist in disseminating results from the National Survey of Pesticides in Well Water.

- Regions will coordinate information collection efforts with the States for major monitoring efforts.

Compliance/Monitoring Activities

- Evaluation of ground-water-related enforcement activities will be part of the mid-year and end-of-year evaluations the Regions conduct of State activities conducted under the FY 1991 FIFRA Compliance Cooperative Agreements. The Regions will also negotiate with the States on enforcement activities related to groundwater protection for the FY 1992 FIFRA Compliance Cooperative Agreements.

4. State Activities

Program Activities

- A number of States will be conducting groundwater and surfacewater studies on their own to determine the relationship of pesticide usage to contamination of water within their States.

- States with FY 1991 FIFRA Program Cooperative Agreements will implement this program.

- The States will provide input to Headquarters on the continued refinement of the guidance for pesticide management plans for protecting ground water.

- The States will continue their efforts to develop management approaches for the protection of ground water from pesticide contamination in coordination with ongoing development of Non-Point source management plans, Wellhead Protection Plans and USDA's and USGS's water quality efforts.

Compliance/Monitoring Activities

- State lead agencies will be requested and encouraged to meet with their State counterparts responsible for regulating groundwater quality in order to: 1) More effectively plan and coordinate enforcement activities to protect ground water; and 2) To identify potential State funding sources from such counterparts.

- States with FY 1991 FIFRA Compliance Cooperative Agreements will include monitoring of use restrictions for ground-water protection as an element of comprehensive routine inspections. States will also plan for enforcement in FY 1991 of appropriate components of the Agency's Agricultural Chemicals in Groundwater Strategy (such as chemical specific State management plans).

5. Research Activities

- Field validate single and multimedia exposure models that predict multimedia and intermedia transport and fate of pesticides through soils (including leaching potential), sediments and other porous material to ground and surface waters.

- Groundwater research will evaluate aquifer types, run-off problems and no-till agricultural practices.

- Develop monitoring techniques and strategies to determine the impacts of agricultural chemicals on the hydrologic regime.

- Exposure models should include identification of breakdown products and rates, including chemical analysis and toxicological assessment. Techniques should be developed that would allow determination of the impact of multiple chemicals and their interaction on the quality of groundwater.

E. Endangered Species

1. Strategy to Address the Problem

The Agency's goal is to have an enforceable Federal Program in FY 1992, therefore, during FY 1991, the agency will be requiring registrants to begin the relabeling of products to conform with the requirements of the Endangered Species Program. The program will continue to be largely voluntary in FY 1991 emphasizing program recognition and compliance by users through education and information (map/bulletin, etc) distribution.

Those States developing state-initiated plans will be required to submit those plans to the Agency for review and approval before the enforceable Federal program begins. Until approval of a State plan, the Federal program will be enforced. Close cooperation among Headquarters, Regional, and State offices will be required for the Endangered Species Protection Program to succeed.

States/Tribes that initiate state plans or pilot programs will prepare for implementation of their plan as well as collect information that will aid in the evaluation of the effectiveness of the State programs.

2. Headquarters Activities

Program Activities

- Working with the U.S. Department of Agriculture, the U.S. Fish and Wildlife Service and the Regions, States, and Tribes, OPTS will continue to provide training as necessary to implement the Endangered Species program.

- Headquarters will issue the FY 1992 FIFRA Program Cooperative Agreement Guidance. Note that Program Cooperative Agreement Guidance is part of the umbrella grant guidance that includes compliance and enforcement as well as program components for ground water, endangered species, worker protection and C&T.

- OPTS will continue to provide and update county maps and bulletins for review and distribution.

- OPTS will provide risk information to the Regions, States, and Tribes for the development of specific pesticide management plans that are being developed by individual States and Tribes for the control of pesticide use.

- OPTS will continue to provide pesticide experts to Regional Offices for use in tailoring programs to local areas.

- OPTS is responsible for assessing the potential for pesticides to cause adverse effects to endangered species.

- Headquarters will continue to provide risk assessment/risk management training courses to the Regions, States, and Tribes.

- Headquarters will provide, through The Regional Office, information to States regarding proposed and final actions that affect endangered species.

Compliance/Monitoring Activities

- Headquarters will draft and distribute for comment compliance monitoring strategies and policy interpretations, as needed, which address any mandatory components of OPTS' endangered species program which will need to be enforced by Regions and States in 1991.

- Headquarters will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to help ensure compliance with any enforceable components of the Agency's endangered species program.

3. Regional Activities

Program Activities

- As required by State plans to protect endangered species, the Regions will promote any new effective and innovative techniques to apply pesticides to reduce or eliminate exposure to protected fauna and flora.

- The Regional offices will negotiate with the States, Tribes, and territories on the program components of the endangered species program for the FY 1992 FIFRA Cooperative Agreements.

Compliance/Monitoring Activities

- The Regional Offices will negotiate with the States on the enforceable components of the endangered species program for the FY 1992 FIFRA Compliance Cooperative Agreements.

- The Regional Offices will review and approve State plans as necessary and encourage/facilitate coordination among

various state and federal agencies concerned with endangered species.

4. State/Tribal Activities

Program Activities

- The States and Tribes will communicate information to the public concerning OPTS' regulatory actions and policies.

- States with FY 1991 FIFRA Cooperative Agreements will implement this program.

- The States and Tribes will provide input to Headquarters on the continued refinement of the endangered species program and policies and will work with Headquarters and the Regions in implementing these policies.

- The States and Tribes will expand their role in making site specific decisions concerning the use of pesticides in their areas, especially for those issues related to endangered species.

- States/Tribes that initiate State plans on pilot programs will prepare for implementation of their plan as well as collect information that will aid in evaluation of the effectiveness of the State program.

Compliance/Monitoring Activities

- The States with FY 1990 enforcement special projects which are related to endangered species protection and which have two-year project periods will complete these projects in FY 1991.

- The States which wish to implement an enforceable FY 1991 State program for endangered species protection will do so. States will plan for enforcement of any mandatory components of the FY 1992 Federal endangered species program.

5. Research Activities

- Pesticide toxicity to molluscan larvae and adults will be compared as potential surrogates for endangered species.

- Techniques to predict the risk to wildlife from pesticides will be refined.

F. Pesticide Worker Protection

1. Strategy to Address the Problem

In FY 1991, the Agency will implement the new worker protection program which provides measures to reduce worker exposure to pesticides, provides for the posting of treated fields, assures that clean water will be available for workers to wash with, and increases worker training. This program will be coordinated with Federal and State "OSHA" agencies. In FY 1991, the Agency's main goal is to develop the training materials required by this program and to work with the States to develop an effective delivery system.

2. Headquarters Activities

Program Activities

- OPTS will continue to implement the worker protection standards for agricultural pesticides. These standards will govern pesticide-treated field reentry intervals, protective clothing, label warnings, and employer duties to notify and otherwise protect workers. In conjunction with the implementation of these standards, OPTS will continue to develop training materials and provide technical assistance to appropriate groups to ensure understanding of the regulations.

- Headquarters will maintain ongoing liaison with OSHA regarding implementation of worker protection standards. Program delivery/effectiveness will be evaluated annually and adjusted as necessary.

- Headquarters will issue the FY 1992 FIFRA Program Cooperative Agreement Guidance. Note that Program Cooperative Agreement Guidance is part of the umbrella grant guidance that includes compliance and enforcement as well as program components for ground water, endangered species, worker protection and C&T.

Compliance/Monitoring Activities

- Headquarters will provide information in response to questions concerning the National Compliance Monitoring Strategy for Worker Protection Standards for Agricultural Pesticides. Headquarters will also update the Strategy, as necessary, to address 1992 enforcement activities.

- Headquarters will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to help ensure compliance with the worker protection standards.

3. Regional Activities

Program Activities

- The Regions will continue to act as liaison between Headquarters and the States and Tribes in providing technical assistance regarding worker protection requirements.

- The Regional offices will negotiate with the States, Tribes, and territories on the program components of the pesticide worker protection program for the FY 1992 FIFRA Cooperative Agreements.

- The Regions will provide input on the continued implementation of the worker protection regulations.

- The Regions will identify and discuss EPA's activities with various agencies in each State which have an interest in occupational safety and pesticides.

- The Regions will coordinate with State OSHA and other agencies to provide assistance and guidance to States through reviews of their priorities and programs for implementing the worker protection standards.

Compliance/Monitoring Activities

- The Regions will become familiar with the specific roles and responsibilities of each Agency in a State which has jurisdiction and will be responsible for enforcing the worker protection standards and associated labeling requirements. The Regions will do this based on information received from the States.

- Evaluation of worker protection-related enforcement activities will be part of the mid-year and end-of-year evaluations the Regions conduct of State activities conducted under the FY 1991 FIFRA Compliance Cooperative Agreements. The Regions will also negotiate with the States on enforcement activities related to worker protection for the FY 1992 FIFRA Compliance Cooperative Agreements.

- The Regions will: a) Oversee State inspection and case development activities and tracking of enforcement-related worker protection activities; b) Coordinate with OSHA and any other appropriate Federal agencies at the Regional level; c) Identify inspector training needs related to worker protection; and d) Assure the distribution of all information pertinent to the worker

protection standards to the enforcement cooperative agreement project officers.

4. State Activities

Program Activities

- The States will implement worker protection standards (WPS) for agricultural pesticides which should include integrating WPS requirements into the certification and training program, enforcing WPS, and establishing cooperation and coordination between State agencies responsible for occupational safety.

- States with FY 1991 FIFRA Cooperative Agreements will implement this program.

Compliance/Monitoring Activities

- In some cases, a State may decide that more than one State Agency will have jurisdiction and be responsible for enforcing the worker protection standards for pesticides and associated labeling requirements. If a State agency other than the recipient of EPA compliance cooperative agreement funds will have jurisdiction for enforcement of a portion of the worker protection standards, then the State lead agency must develop a mechanism for coordinating with the other State agency involved and clarify in writing this mechanism and the specific roles and responsibilities of each State agency with jurisdiction. This only affects States where more than one State agency has jurisdiction and responsibility for enforcing the worker protection standards.

- Once the worker protection-related requirements are effective, inspections will need to be conducted. For FY 1991, as an element of routine comprehensive inspections, the States will need to ensure compliance with the pesticide worker protection statements required to be on labeling. Once the revised worker protection requirements are effective, the State lead agency will also focus in FY 1991 on responding to and following up on incidence and complaint reports.

G. Certification and Training

1. Strategy to Address the Problem

In FY 1991 the Agency will work with the States to develop appropriate schedules for addressing the changes to State plans required as a result of the revised Part 171 Regulations. State training materials and competency standards will need to be updated

to include Groundwater, Worker Protection and Endangered Species materials.

2. Headquarters Activities

Program Activities

- Headquarters and Regions will continue to assist interested Tribes in establishing a Certification and Training program.

- In FY 1991, the final revisions to the certification regulations will be published. The revised regulations will address such issues as renewal of certification, upgraded standards of competency, the definition of "under the direct supervision" and standards for non-certified applicators.

- Headquarters will issue the FY 1992 FIFRA Program Cooperative Agreement Guidance. Note that Program Cooperative Agreement Guidance is part of the umbrella grant guidance that includes compliance and enforcement as well as program components for ground water, endangered species, worker protection and C&T.

- Working with USDA, OPTS will continue to develop and update applicator training materials and train-the-trainer sessions. OPTS will work with the private sector and the States to identify existing material which can be used.

- A national bibliography and repository of training materials will be developed, kept current, and will be operational for all States.

Compliance/Monitoring Activities

- OPTS will develop compliance monitoring strategies, policy interpretations, enforcement response policies, inspection and case development guidance for enforcing the final revisions to the certification regulations.

- OPTS will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to help ensure compliance with the final revisions to the certification regulations.

3. Regional Activities

Program Activities

- The Regions will continue to participate in evaluation of State and Tribes methods for certification (i.e. exams, training, self-study packets). The Regions will follow-up on changes to State programs which were agreed upon during the State Plan review and which remain to be implemented. (SPMS P-11 for State plan review)

- State and Tribes certification negotiations, cooperative agreements and mid- and end-of-the-year certification grant reviews with the States and Tribes will continue to be administered through the Regional Offices. The Regions will keep the States informed of new C&T requirements.

Compliance/Monitoring Activities

- The Regions will negotiate and oversee State/Tribal compliance monitoring activities, under cooperative enforcement agreements, with respect to new requirements included in the revised certification regulations. (SPMS P/E-1 and P/E-2)

4. State Activities

Program Activities

- States will revise their C&T programs as appropriate to address: 1) recommendations for changes resulting from the WPS program or the joint EPA-USDA reviews and State internal reviews; 2) new regulatory decisions and restrictions; 3) new or updated training materials; and 4) any changes agreed upon during the State Plan review which remain to be implemented.

- States with FY 1991 FIFRA Cooperative Agreements will implement this program.

Compliance/Monitoring Activities

- Under the terms of their enforcement cooperative agreements, the States will conduct inspections to ensure compliance with label requirements and use restrictions. When appropriate these inspections will be conducted as part of routine comprehensive inspections. (SPMS P/E-1)

- The States with cooperative enforcement agreements will report on the enforcement activities conducted under these agreements in follow-up to restricted use

requirements and in accordance with FY 1990 guidance on uniform reporting. (SPMS P/E-1 and P/E-3)

5. Research Activities

- Develop educational and training activities based on the "Protective Clothing Guidance Manual for Agricultural User Groups."

- Develop monitoring techniques and strategies to determine (and control) the actual exposure of the most highly exposed farm workers like flaggers and mixer/loader applicators.

- Develop new and/or refine the existing techniques that would allow prediction of human skin absorption of pesticides.

- Develop monitoring techniques and other procedures that would allow evaluation of the long-term influence of pesticides on health of highly exposed farm workers, especially neurological and immunotoxic effects.

H. Registration

1. Strategy to Address the Problem

The Agency controls the entry of new chemicals and significant new uses of established chemicals by the registration process. For registration, manufacturers must submit a full battery of health and environmental testing before receiving a registration and allowing the marketing of their products. Unlike chemicals registered before 1977 which have often been marketed many years without the benefit of the full range of currently required scientific testing, new chemicals are fully tested using state-of-the-art methodology and techniques.

With a complete data base, the Agency can more accurately determine the potential for adverse health and environmental exposures such as ground-water contamination, endangered species problems, worker and applicator exposure, and chronic and acute hazards associated with their uses. As a result, many new chemicals may prove to be safer then their older alternatives. This current rigorous premarket review erects higher hurdles for new chemicals compared to existing ones. Therefore, in FY 1991, the Agency will continue to develop and implement improved processes for encouraging the registration of safer, substitute pesticides.

With the development of genetically-engineered microbial pesticides (GEMPs), the Agency must develop different methodologies and procedures for addressing the concerns raised by these products. The Agency's goal is to avoid future environmental problems and

related cleanup costs by carefully controlling the use of these new pesticides, without stifling technological innovations that promise to yield both safer and more effective pesticides.

2. Headquarters Activities

Program Activities

- In accordance with the FIFRA 1988 amendments, Headquarters will give priority consideration to new chemicals, biochemicals/microbials and new uses in order to promote a more rapid entry into the marketplace of new, more completely tested chemicals.

- Headquarters will continue to implement its plan for the review of microbial pesticides, particularly small scale field testing of GEMPs and non-indigenous pathogenic microbial pesticides, and for coordination with USDA.

- Headquarters will continue to provide guidance to the pesticide experts and other personnel in the Regions/States regarding permissible activities and data requirements for GEMP testing.

- In FY 1991, OPTS will continue to increase laboratory capability to validate analytical methods to ensure that microbial and biochemical products submitted for registration can be correctly identified and quantified.

Compliance/Monitoring Activities

- Headquarters will implement a program for tracking and monitoring registrants' progress in acquiring and submitting data. These tracking and monitoring programs must also address the data submittal requirements included in the 1988 amendments to FIFRA.

- Headquarters will respond to any questions regarding the FIFRA penalty matrix, updated in 1989 to address additions and changes to the unlawful acts provision of FIFRA section 12, resulting from the 1988 FIFRA amendments.

- Headquarters will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to ensure compliance with the labeling and use requirements approved as a result of the registration process.

- Headquarters will conduct a compliance monitoring program to audit data submitted under FIFRA and to determine whether testing laboratories are complying with Good

Laboratory Practices (GLP) regulations. These requirements ensure the scientific validity of data submitted to EPA in support of pesticide registrations. (SPMS P/E-1)

- Headquarters, working with the National Enforcement Investigations Center, will conduct GLP inspections at FIFRA environmental testing laboratories,in all Regions except Regions II, III, and V. In response to violations of GLP requirements, the Agency will issue enforcement actions. (SPMS P/E-1)

3. Regional Activities

Program Activities

- Regions will continue to be requested to provide technical assistance, as appropriate, for small-scale testing projects and Experimental Use Permits involving genetically engineered microbial pesticides (GEMPs).

- Regions/States will continue to be involved in educational outreach efforts to satisfy community concerns over GEMP testing.

- Regions should continue to be actively involved in outreach to explain registration schedules, issues, etc., and provide feedback to Headquarters on registration/re-registration issues.

Compliance/Monitoring Activities

- The Regions will negotiate and oversee State/Tribal compliance monitoring activities, under enforcement cooperative agreements, with respect to label requirements, use restrictions, ensuring compliance with suspension/cancellations, restricted use classifications and other restrictions and precautions imposed during the registration process. Regional Offices will conduct such compliance activities in those States and reservations not participating in the cooperative enforcement agreement program. (SPMS P/E-1 and P/E-2)

- Regions II, III, and V will conduct GLP inspections at FIFRA environmental testing laboratories within their jurisdiction.

4. State Activities

Compliance/Monitoring Activities

- Under the terms of their enforcement cooperative agreements the States will conduct inspection and case development activities to ensure compliance with label requirements and use restrictions imposed as a result of the pesticide registration process. When appropriate, these inspections will be conducted as a part of routine comprehensive inspections. (SPMS P/E-1)

- States will need to update their enforcement response policies to take into account the updated FIFRA penalty matrix, revised in 1989 to address the eight additions or changes to the unlawful acts provisions of FIFRA as amended in 1988.

- In accordance with FY 1991 guidance on uniform reporting, the States with FIFRA enforcement cooperative agreements will report on enforcement activities, many of which are conducted to ensure compliance with labeling requirements and use restrictions imposed during the registration process. (SPMS P/E-1 and P/E-3)

5. Research Activities

- Littoral Enclosure Field Validation and Ecological Effects Investigations for Pesticide Risk Assessment (partial funding)

- Investigate environmental Risk from Genetically Engineered Plants.

- GEMP studies will be expanded to include methods to test route of exposure in birds, arthropods and non-target mammals.

- Methods to determine potential interaction of microbial agents in the mammalian cell will be developed.

- Protocols to identify fate and survival of biological control agents, including recombinant organisms and DNA will be developed for exposure determinations.

- Genetically engineered baculoviruses containing genes whose product have significant bioactivity in mammals will be tested for their recombinatorial capability with naturally occurring parental strains.

- Gene exchange potential by surface interactions and the effects of pest control microbes on microbial surface communities will be examined.

I. Re-registration

1. Strategy to Address the Problem

Public concern is still high regarding the safety of pesticides. Risk assessment and risk management decisions for some existing pesticides on the market today have been based on outdated test data. These chemicals may pose more of a risk to the population and the environment than recently registered chemicals which have been through a vigorous premarket review process. As 1988 FIFRA amendments continue to be implemented, the re-registration process will be accelerated. In 1991, registrants will be providing information on older chemicals with "flagged" data that indicate areas of concern. The program will not only increase efforts to review the flagged data but also increase efforts in the area of applicator training to stress the correct and safe use of pesticides.

2. Headquarters Activities

Program Activities

- Headquarters will continue to concentrate on receiving and reviewing data as well as making regulatory decisions on tolerances and label language to achieve real world risk reductions.

- OPTS will continue to implement the recommendations from the NAS study on food safety. Specifically, OPTS will: 1) strive for consistent action on new and old chemicals found in raw agricultural commodities and processed food; 2) address high risk areas first. Outputs will include the re-registering and cancelling of pesticides as well as establishing and revoking tolerances.

- OPTS will continue to place special emphasis on reviewing "flagged" data and start the special review process when necessary.

- OPTS will continue to review registrant lists of available data to ensure that all data necessary for a risk assessment are available. If not, the data will be required.

Compliance/Monitoring Activities

- Headquarters will develop compliance monitoring strategies, enforcement response policies, inspection and case development guidance, as appropriate, for enforcing new requirements imposed as a result of cancellation and suspension orders. (SPMS P/E-1)

- Headquarters will implement a program for tracking data submission requirements for the re-registration process and the issuance of 3(c)(2)(B) suspensions when warranted. OPTS must also monitor registrants' progress in acquiring and submitting data. These tracking and monitoring programs must also address the data submittal requirements included in the 1988 amendments to FIFRA.

- Headquarters will respond to any questions regarding the FIFRA penalty matrix, updated in 1989 to address additions and changes to the unlawful acts provision of FIFRA section 12, resulting from the 1988 FIFRA amendments.

- Case support will be in place to process cases addressing the additional cancellations and suspensions resulting from the 1988 FIFRA amendments.

- Headquarters will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to ensure compliance with the labeling and use requirements, cancellation and suspension orders and other regulatory actions resulting from the re-registration process. Headquarters will only handle cases related to violation of cancellations/suspensions if they are of national significance and will have a multi-regional impact.

- Headquarters will conduct a compliance monitoring program to audit data submitted under FIFRA and to determine whether testing laboratories are complying with Good Laboratory Practices (GLP) regulations. These requirements ensure the scientific validity of data submitted to EPA in support of pesticide re-registrations. (SPMS P/E-1)

- Headquarters, working with the National Enforcement Investigations Center, will conduct GLP inspections at FIFRA environmental testing laboratories in all Regions except Regions II, III, and V. In response to violations of GLP requirements, the Agency will issue enforcement actions. Neutral Scheme Selection process is being revised by standing GLP workgroup to focus more resources

on FIFRA studies newly covered by amended GLP regulations. (PMS P/E-1)

3. Regional Activities

Program Activities

- Regions should provide input to Headquarters on State section 18-24c requests/actions. OPP, working with the Regions, will establish a procedure for obtaining Regional input (probably relying on the Regional Pesticide Experts).

- The Regional Offices will communicate information to the States and Tribes and other interested groups concerning EPA's regulatory actions and policies.

Compliance/Monitoring Activities

- The Regions will review and comment on draft compliance monitoring strategies, such as for organotin, chlordimeform and arsenic acid, written in response to re-registration and cancellation/suspension actions. The Regions will implement appropriate provisions of such compliance monitoring strategies, once finalized. (SPMS P/E-1 and P/E-2)

- The Regions will negotiate and oversee State/Tribal compliance monitoring activities, under enforcement cooperative agreements, with respect to label requirements, suspension/cancellation, use restrictions, and other restrictions and precautions imposed as a result of the re-registration process. Regional Offices will conduct such activities in those States and reservations not participating in the cooperative enforcement agreement program. (SPMS P/E-1 and P/E-2)

- As a result of the 1988 FIFRA Amendments, the number of cancellation actions under FIFRA section 6, suspension actions under FIFRA section 3(c)(2)(B) and recalls as required by EPA for suspended and cancelled pesticide products may increase. Increases in these activities will require the scope of routine comprehensive inspections currently being conducted to expand to cover these activities and the duration of inspections to increase proportionately. (SPMS P/E-4)

- Regions II, III, and V will conduct GLP inspections at FIFRA environmental testing laboratories within their jurisdiction.

4. State Activities

Program Activities

- The States will continue to develop State registration and local needs programs and enforcement capabilities.

Compliance/Monitoring Activities

- Under the terms of their enforcement cooperative agreements, the States will conduct inspections and case development activities to ensure compliance with cancellation and suspension orders, label requirements and use restrictions imposed during the re-registration process. When appropriate, these inspections will be conducted as part of routine comprehensive inspections. (SPMS P/E-1)

- States will need to update their enforcement response policies to take into account the updated FIFRA penalty matrix, revised in 1989 to address the eight additions or changes to the unlawful acts provisions of FIFRA as amended in 1988.

- The States will implement national compliance monitoring strategies issued in final form in FY 1990 and developed as a result of re-registration actions.

- The States with enforcement cooperative agreements will report on the enforcement activities conducted under these agreements in follow up to re-registration requirements and in accordance with FY 1991 guidance on uniform reporting. (SPMS P/E-1 and P/E-3)

5. Research Activities

- Computerization of OPP toxicology data for SAR analysis.

- Investigate age-related subpopulation sensitivity to pesticide neurotoxicity/animal studies.

- Identify changes in immune systems functions that can be used to predict the occurrence of tumors in rats exposed to pesticides as pre-weanlings or adults.

- Research the correlation between in vitro and in vivo genotoxicity test results.

- Methods to determine exposure of infants and toddlers to household pesticides will be developed.

- Actual terrestrial exposures and exposure assessment methods will be validated.

- A guidance document for assessing potential avian reproductive effects of synthetic pyrethroids will be produced.

- Methods will be developed to estimate the fate and transport of genetically engineered microorganisms (GEMs) and to predict the dose target/non-target organisms will receive.

- Studies will be initiated to determine the effects of introducing new genetic material into members of an ecosystem coupled with the study of genetic exchange under environmental conditions.

- The impact of transgenic plants on ecosystems and human health will be evaluated.

J. Special Review

1. Strategy to Address the Problem

As part of the re-registration of existing chemicals, the Agency will continue to conduct special reviews of pesticides whose data indicate a potential for unreasonable adverse effects. Through the re-registration and special review processes, the Agency will take corrective action to reduce risks from pesticides by requiring appropriate changes in dietary exposure to residues, restricted use classification, requirements for protective clothing, reentry intervals, and suspension/cancellation of selected uses.

2. Headquarters Activities

Program Activities

- Headquarters will continue to perform special reviews for chemicals that are suspected of causing unreasonable adverse effects to public health or the environment.

- Headquarters will continue to review risks and benefits of leaching pesticides through the Special Review process.

Compliance/Monitoring Activities

- Headquarters will develop compliance monitoring strategies, enforcement response policies, inspection and case development guidance, as appropriate, for enforcing cancellation and suspension orders and restrictions imposed as a result of special reviews. (SPMS P/E-1)

- OPTS will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to ensure compliance with cancellations, suspensions and restrictions imposed as a result of special reviews.

3. Regional Activities

Program Activities

- The Regional Offices will continue to communicate information to the States and Tribes concerning EPA's regulatory actions and policies.

- Regional Input into the Special Review Process will be sought especially in areas such as impacts on minor uses.

Compliance/Monitoring Activities

- The Regions will negotiate and oversee enforcement agreement activities, with respect to label requirements, use restrictions, ensuring compliance with suspension/cancellations, restricted use classifications and other restrictions and precautions imposed as a result of special reviews. Regional Offices will conduct such activities in those States and reservations not participating in the cooperative enforcement agreement program. (SPMS P/E-1 and P/E-2)

4. State Activities

Program Activities

- The States should provide information to the Registration Division and Special Review and Reregistration Division through the Regional Offices regarding adverse effects to humans or the environment including frequent illnesses in workers caused by a specific product, or kills to wildlife. States pesticide agencies should maintain a close relationship with State wildlife and health departments to facilitate the transfer of information. OPP will examine the need for procedure and format for collecting this information.

Compliance/Monitoring Activities

- Under the terms of their enforcement cooperative agreements, the States will conduct inspection and case development activities to ensure compliance with cancellation and suspension orders, label requirements and use restrictions imposed by special reviews. When appropriate, these inspections will be conducted as part of routine comprehensive inspections. (SPMS P/E-1)

K. Pesticide Disposal

1. Strategy to Address the Problem

Although 1988 FIFRA amendments provide for registrant disposal, EPA continues to have the responsibility to indemnify holders of previously suspended and cancelled pesticides and to dispose of existing stocks. In FY 1991, EPA will strive to complete disposal of the dinoseb and 2,4,5-T/Silvex stocks remaining in the United States. For cancelled and suspended pesticides during FY 1991, the program will provide an efficient indemnification program for end-users under provisions of the amended act.

2. Headquarters Activities

Program Activities

- OPTS will ensure safe storage and final disposal of dinoseb, and of 2,4,5-T/Silvex depending upon the availability of a commercial dioxin incinerator.

- Headquarters will promulgate regulation under Section 19(e) FIFRA as amended in 1988. There regulation will address safe pesticide container disposal.

Compliance/Monitoring Activities

- Headquarters will issue the FY 1992 FIFRA Compliance Cooperative Agreement Guidance which addresses activities to ensure compliance with disposal and recall requirements.

- Headquarters will develop compliance monitoring strategies, as needed, to address recall regulations authorized by the newly amended FIFRA.

3. Regional Activities

Program Activities

- Regional Offices will work closely with State and local officials to address public concerns, and determine permitting needs for storage, transportation, and final disposal of cancelled/suspended pesticides.

Compliance/Monitoring Activities

- The Regions will review and comment on draft compliance monitoring strategies and guidance issued by Headquarters. (SPMS P/E-1)

- As a result of the 1988 FIFRA amendments, the number of cancellation and suspension actions under FIFRA section 6 and suspension actions under FIFRA section 3(c)(2)(B) and recalls as required under FIFRA section 19 may increase. Increases in these activities will require the scope and targeting of routine comprehensive inspections currently being conducted to change to cover these activities, however no overall increase in the number of inspections is expected. (SPMS P/E-4)

- The 1988 FIFRA amendments require EPA to promulgate regulations, within specified time periods, for the design of pesticide containers and regulations that prescribe procedures and standards for removing pesticides from containers before disposal. The Regions will provide input in planning for the development of a compliance monitoring program for these and other regulations.

4. State Activities

Compliance/Monitoring Activities

- Under the new law, EPA may require registrants and distributors to recall suspended and cancelled pesticide products. To facilitate recalls, EPA may require all persons who sell, distribute, or commercially use pesticides to notify EPA and State and local officials concerning the quantities and location of suspended and cancelled pesticides in their possession. States will provide input in developing the compliance monitoring program for these requirements. Once these requirements are implemented, States will need to track and monitor the information which they receive and enforce the recalls.

- The States will provide input in planning for the development of a compliance monitoring program for the regulations mandated by the 1988 FIFRA amendments and relating to the design of pesticide containers and the removal of pesticides from containers before disposal. New statutory authorities may be needed in some states to implement the new regulations.

5. Research Activities

- Treatment and destruction strategies for the disposal of chemical classes of pesticides will be developed and technical assistance will continue for the disposal of indemnified pesticides.

L. TSCA - Sections 5 and 8

1. Strategy to Address the Problem

The Agency controls the entry of new chemicals and significant new uses of established chemicals through section 5. Activities described in this section focus on the compliance/monitoring aspect of this program.

2. Headquarters Activities

Compliance/Monitoring Activities

- Headquarters will update inspection guidance for the section 5 and 9 program, as needed to facilitate enforcement efforts.
- Headquarters will provide quarterly printouts to the regions for targeting.
- Headquarters will refer and track tips and complaints from OTS and public sources to the regions for appropriate enforcement action.

3. Regional Activities

Compliance/Monitoring Activities

- The Regions will increase industry awareness and level of facility compliance and quality of submissions through technical assistance.
- Regions will conduct compliance audits to ensure compliance with section 5 and 8.
- Regions will choose targets from information provided by headquarters.

M. Hexavalent Chromium

1. Strategy to Address the Problem

FY 1991 will represent the first full year of the hexavalent chromium program. This rule under section 6 prohibits the use of hexavalent chromium-based water treatment chemicals in comfort cooling towers (CCTs) and the distribution in commerce of such chemicals for use in CCTs. EPA will focus its compliance effort on identifying the following: use violation, distribution violations, labeling violations, reporting failures, recordkeeping violations, and expose notification violations.

2. Headquarters Activities

Compliance/Monitoring Activities

- Headquarters will provide coordination between regions in identifying inspection targets.

- Headquarters will develop, in consultation with States and Regions, a pilot program for state inspections of use facilities.

3. Regional Activities

Compliance/Monitoring Activities

- Regions will maintain reporting requirements in an easily retrievable fashion.

- Regions will conduct inspections and take the appropriate enforcement action.

- Regions will encourage States, as appropriate, to participate in the Hexavalent Chromium Compliance Monitoring Program.

4. State Activities

Compliance/Monitoring Activities

- States interested in the Compliance Monitoring Program pilot program will contact their regional office for guidance in developing targeting and inspection schemes.

Office Of Administration & Resources Management

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OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

I. ASSISTANT ADMINISTRATOR'S OVERVIEW

The FY 1991 Operating Year Guidance for the Office of Administration and Resources Management (OARM) is comprised of ten programmatic objectives.

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

Other important program activities are: measures for Improved Contracts Management across the Agency; Organizational Conflict of Interest and the way it is handled, will be essential to the success of Superfund procurement in FY 1991; Assistance Management which will identify management initiatives to assure the integrity of assistance funding awarded through interagency agreements, cooperative agreements, and grants; improved accountability for Agency property management; and Suspension and Debarment which will ensure EPA's full participation in the government-wide system for suspension and debarment.

OARM's key programmatic objectives discussed in the FY 1991 Guidance are summarized below.

o Human Resources Management - The goal of Human Resources Management in 1991 is to continue building a quality workforce by (1) recruiting the best candidates available using Agency program officials (2) developing our workforce to the fullest potential using in-house staff to the maximum extent possible and (3) retaining our high quality staff through use of a variety of quality of worklife incentives.

The Administrator has stated that EPA's most important resource is its people. He has also stated that the value of our people should be the central concern of all supervisors, managers and executives. Human Resources Management provides the direction and mechanism to meet this challenge. The 1991 Guidance addresses three broad areas

to a quality EPA workforce: finding the right people, developing our staff, and retaining a competent workforce.

Finding the Right People - We need to pool our recruitment efforts and make more use of line manager in attracting quality candidates. The use of special employment programs and hiring flexibilities are essential to getting people on board quickly and effectively.

Developing our Staff - This area cannot be overemphasized. We must give our employees the chance to develop to their fullest potential. This includes empowering our employees to be creative in streamlining processes and procedures to improve the quality of our service at all levels. The principles of Total Quality Management should be implemented in all our organizations.

Retaining a Competent Workforce - Our best effort to retain a competent workforce requires concentration on quality of worklife issues which creates an atmosphere that encourages and reinforces employee involvement, teamwork and quality production.

o Information Management

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

We have developed a comprehensive Data Sharing approach. This strategy is intended to promote a free and appropriate flow of the Agency's vast data resources to interested parties, consonant with the Agency's rights and responsibilities as data steward. EPA is committed to promoting mechanisms, systems and services which support data sharing activities. EPA, acting as data steward, shall ensure cost-effective, equitable sharing of the Agency's data resources. Three major directions are part of the Data Sharing strategy are: the State/EPA Data Management Program, increased public access and a full range of services.

The State/EPA Data Management Program has helped the States develop joint data management approaches to collect, store, retrieve and use environmental information. This Program is comprised of two major phases. Phase I emphasizes a communications link between States and the EPA data network. States can access the national data systems to collect, store and retrieve media data through high speed data links. Formal written protocols assure the integrity of State reports and procedures for raising and resolving data disputes. EPA has participating 48 States, Puerto Rico, and the District of

Columbia in Phase I of the program as of the start of FY 1990.

Phase II of the Program promotes data integration to achieve environmental results. In FY 1991, we will focus our Phase II efforts on cross-media analysis through the following activities:

- Development of Regional Data Integration Capabilities - These efforts are designed to provide each Region the capability to conduct geographic based analyses that help States and EPA target resources to the most significant environmental problems. Increased efforts will be made to provide technology and user support for cross-media analysis also.

- Improvements in Data Management and Technology - We plan to issue and support implementation of two essential data standards. One mandates the use of latitude/longitude in an internationally-compatible format as the Agency's preferred locational coordinate system. The other establishes a requirement for unique facility ID codes to be used in all EPA data collections containing facility information. These data standards will greatly assist Programs, Regions, and laboratories in cross media data analysis/integration and enforcement efforts.

- Technology Transfer - EPA's Environmental Monitoring Systems Laboratory in Las Vegas will serve as the focal point for technology transfer to assist EPA Regions and States in planning, staff development, and analysis. Also, we will maintain the Atlanta Regional Office as a " A Center of Excellence" to focus our efforts on producing specific applications for use by other EPA Regions.

The State/EPA Data Management Program is the product of an evolutionary process, using Regional and State experiences as an important base of information. Their achievements and problems have served as useful examples of how to forge effective cooperative relationships between Federal and State governments. As a result, our close working relationships allow us to build a foundation which will lead to more reliable data. This partnership is essential if we are to implement and properly enforce environmental statutes.

The emphasis on geographical information systems analysis, data standards, data integration techniques and complete quality data bases will provide the Regions and States with tools and resources to conduct comprehensive regional strategic planning, regional and sub-regional analysis, enforcement targeting and risk based ranking/priority setting. Cross-media integration efforts will also assist in evaluating effective strategies in the pollution prevention area.

The Agency acknowledges that public access to environmental data is desirable because the public has a fundamental right to know

how the government conducts its business. Data sharing helps create and maintain an informed public, which is essential to success of the Agency's varied environmental risk communication efforts. Data sharing is also beneficial for EPA to assemble the full data sets required to address complex, widespread, multi-media environmental problems and enables secondary use of EPA's expensive data resources.

The Agency already disseminates information successfully via many channels. These channels include the communications media, the Federal Register, libraries, clearinghouses, hotlines, dockets, bulletin boards, data files and data bases, other Federal offices and other means. Both institutional barriers and technical barriers have contributed to situations where government data should have been shared more freely. The Agency's commitment to data sharing requires standard ways to access data and service and distribution centers both within the Agency and outside to assist and provide methods and procedures to access the data in a cost effective manner.

As part of this Data Sharing effort, we are developing an International Data Sharing Program based on the experience we have gained through the State/EPA Data Management Program. We have transferred the lessons learned in data transfer and sharing from our vast library and our telecommunications network and are starting to build an international data sharing program. Through the established network INFOTERRA, sponsored by the United Nations Environmental Program, we are promoting data transfer through various print and electronic media to countries in both Africa and Europe. INFOTERRA is an international information referral network designed to facilitate the flow of environmental information within and between countries. EPA is the National Focal point for INFOTERRA in the United States.

The International Data Sharing Program currently supports a variety of activities such as responding to international environmental inquiries with technical reports, bibliographies, legislation and database searches. We maintain inventories and registers of national sources of environmental information for inclusion in INFOTERRA directories and promote the use of the INFOTERRA network. We will continue to expand our efforts to promote data transfer and dissemination to other countries.

We plan to expand our electronic communication network to our international partners. Further activities will be made to promote development of reference capabilities of environmental data in other countries. A major effort is underway to identify information sharing components of bilateral and multilateral agreements, and identify the progress made under them. This effort to spur international data sharing will also result in a model information sharing component to be included in further agreements entered into by the U.S. The international data program is being coordinated with the activities and programs that are directed from the Office of International Affairs.

o CONTRACTS MANAGEMENT

As an Agency with growing responsibilities but with only minimal growth in its federal workforce, EPA continues to rely heavily on contractor support. This method of doing business requires strong and active contract management to ensure that we maintain integrity in the Agency's procurement process and ensure appropriate spending of federal funds. Throughout recent years, EPA has continued to receive scrutiny in various areas of its contracts management program. The Administrator's FY 91 Guidance outlines the direction the Agency must continue to go in order to improve the state of contract management at EPA. As National Program Manager, OARM is leading these efforts to improve EPA's management of its contracts.

o ORGANIZATIONAL CONFLICT OF INTEREST

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

Organizational Conflict of Interest (OCI) and the way it is handled under Superfund contracts has been an issue of mounting concern over the past year. In FY 91, initiatives that the Agency began in connection with the Superfund Management Review will continue to be given significant emphasis.

o BUILDING PUBLIC-PRIVATE PARTNERSHIPS

OARM has undertaken the goal of fostering public-private partnerships and other innovative financing techniques to help meet the growing environmental and resource challenges in the 1990's and beyond. This initiative arose in response to the crisis we face in meeting environmental expectations given the public resources currently available. There is a growing acceptance both within and outside the Agency of the crisis and of the need for innovative and creative solutions.

The goal of this initiative is to increase the total investment in environmental protection by facilitating greater leverage of public and private environmental resources to help ease the environmental financing challenge facing our nation. The initiative will focus upon environmental finance and legislative and taxation issues at the Federal, state, and local levels, particularly with regard to their impact upon local governments and small communities. Special attention will be given to issues impacting three critical program areas, drinking water, wastewater treatment, and solid waste. Our strategy for enhancing the leverage of public and private environmental resources involves the following elements.

- Developing the most effective financing approaches that can be used by the various levels of government to finance environmental program and infrastructure needs.

- Determining tax policy changes at the Federal, state, and local level that would promote public and private sector financing options for environmental services and infrastructure.

- Developing the most effective financing approaches at the small community level to finance environmental programs and infrastructure needs.

- To identify and pursue options or incentives that will encourage greater private investment in environmental services.

o ASSISTANCE/INTERAGENCY AGREEMENT MANAGEMENT INITIATIVES

The FY 1991 guidance continues emphasis on cooperative agreement/ Interagency Agreement (IAG) management initiatives in the Superfund program. It also focuses on Regional assistance and IAG management in all programs. In addition, it provides new initiatives in enhancing assistance related dimensions of the Agency's Public-Private Partnership effort, including the State Revolving Fund.

The Assistant Regional Administrators/Management Division Directors will continue to provide within their division "cradle to grave" administrative management responsibility for both cooperative agreements and Interagency Agreements. During 1991 the Regions must also continue to direct emphasis to Superfund management activities which support management efficiency and checks and balances objectives. In addition, Grants Management Offices in the Management Divisions, will support the Agency's alternative financing and PublicPrivate Partnership initiative through direct input to and implementation of innovative assistance mechanisms.

o OCCUPATIONAL HEALTH AND SAFETY AND ENVIRONMENTAL COMPLIANCE

The Environmental Health and Safety Division (EHSD) provides national policy, guidance, technical assistance and training to EPA Regional offices, laboratories, and field sites to provide safe and healthful working conditions for Agency personnel and assure that Agency facilities comply with all environmental regulations and policies. EHSD also provides a framework for cooperation among EPA headquarters, regions, laboratories and field sites to enhance their health, safety and environmental compliance programs.

The FY 1991 Guidance is intended to ensure effective, efficient, and consistent administration of the complex programs which support EPA's management priorities of measurable environmental improvement, risk reduction, pollution prevention, federal facility compliance and

meaningful commitment that reflect the quality and environmental impact of the required effort. The major occupational health, safety, and environmental compliance objectives for FY 1991 include.

- Building consistent and effective regional, laboratory and field occupational health and safety programs supporting the Agency risk reduction goals;

- Developing and instituting effective, efficient, and consistent environmental compliance programs supporting environmental impact and federal facility compliance goals at our facilities;

- Establishing and promoting an effective national information system on occupational and environmental hazards throughout the EPA.

The strategy for accomplishing the FY 1990 objectives and for improving our operations involves the following major initiatives:

1. Resources control initiatives will establish mechanisms to ensure that resources are available and used for planned activities.

2. Procedural initiatives will ensure necessary checks and balances between program and management responsibilities and fiscal integrity requirements.

3. Policy and guidance initiatives will ensure clear management goals and implementation techniques that create a consistent national effort which supports the goals of our occupational and environmental programs.

4. Audit initiatives will establish mechanisms to insure full implementation of our occupational health, safety and environmental compliance responsibilities.

5. Training initiatives will ensure EPA employees understand program policy and guidance and how it impacts the performance of their responsibilities.

6. Technical assistance initiatives from the national office provide consistency in the resolution of an issue and an efficient use of available technical resources. Emphasis is placed on pollution prevention as a means of achieving regulatory compliance.

7. Communications initiatives will aid in worker protection and facility compliance and identify and prevent potential management weaknesses. The communication of EPA programs outside the Agency will assist other federal agencies with the development of similar programs.

8. Internal control initiatives will ensure that all occupational health, safety and environmental compliance operations achieve an improved level of effectiveness and consistency among all EPA organizations.

These initiatives will provide outstanding occupational health, safety and environmental compliance programs for the Agency nationwide.

o PERSONAL PROPERTY MANAGEMENT

EPA has expended significant resources in an effort to make major improvements in the area of property management. A new PC-based Personal Property Accountability System (PPAS) has been developed and was implemented nationwide in FY 1989. Following the implementation is an ongoing effort to do a massive clean-up of the data base. Headquarters will continue to conduct training for Custodial Officers and Program Accountable Officers.
The major objective of the Agency's property management program is to ensure that all Superfund and non-Superfund property is properly tracked and controlled by placing emphasis on:

- Requiring comprehensive physical inventories at all regional and field activities. Headquarters will direct and confirm that these inventories have been performed and adequately reconciled.

- Conducting quality assurance reviews at regional and field offices. These reviews will include compliance with Agency policies and procedures for all aspects of property management. This will include receiving, recording in PPAS, utilization and disposal of personal property.

Successful implementation is expected to result in more favorable audit results of the FY 1990 program.

o SUSPENSION AND DEBARMENT

Suspension and debarment is the Agency's administrative process to prevent potential assistance and procurement participation by parties who, for reasons of waste, fraud, abuse or poor performance, have demonstrated irresponsible conduct in their business affairs. A suspension or debarment imposed on a participant essentially bars that participant from further assistance or contracting privileges with EPA or the Federal Government.

In FY 1991, the Grants Administration Division in OARM will continue efforts to inform and sensitize Regional offices, delegated States, and program offices to the importance of combating waste, fraud, and abuse through suspension and debarment.

o <u>BUILDINGS AND FACILITIES</u>

EPA facilities continue to require increased resources, in spite of continuing efforts in obtaining significant increases in the B&F appropriation. Our facilities must be altered to meet the needs of changing programs, organizational structures and missions as well as ongoing repair and upkeep. To meet these needs we are moving forward with a facilities planning process through an annual call letter. Our goal is to fine tune the B&F process so that we will be able to fund EPA's critical facilities requirements.

II. OARM PROGRAM PRIORITIES

A. Human Resources Management - EPA's strength is its people. The quality and performance of our employees will determine whether or not we meet the complex and changing needs of our environmental mission in the 1990's. This means we must attract quality candidates at all levels and occupations to meet these challenges. We must develop the workforce we have to its maximum potential. Finally we must retain a quality workforce, keeping turnover to a minimum.

The Administrator's emphasis on Human Resources Management reflects the Agency's commitment to a quality Workforce that is involved in the decision that affect their work and the service provided. Emphasis on quality will be stressed and employees will be empowered to help control their own course of action for the good of the Agency. The challenges of attracting, developing and keeping a quality workforce are the central components of our guidance.

1. Finding the Right People

Nothing happens without a workforce and quality work requires a quality workforce. Selecting the right people, proven performers with high potential for technical and managerial excellence, is crucial. EPA is fortunate to have a very talented workforce. Our Agency's important mission attracts talented, idealistic people, and is one of the reasons why 66 percent of EPA's employees hold a bachelors degree or higher. Our challenge is to make it even better.

There are a number of ways EPA is attracting the "best and the brightest." Direct Hire Authority, Job Fairs, the Cooperative Education Program, the Outstanding Scholar Program, and Delegated Examining Authority are all tools used by EPA program officers and human resource offices, working together, to hire qualified and hard-to-find people quickly and easily.

The composition of our talented agency workforce is the result of considerable outreach to women and minorities, but we need to do much more in this area. The 52 percent hiring goal for minority and women is still in effect and is specifically targeted this year for professional, supervisory, managerial and SES positions. The following special initiatives should also be implemented:

- Recruiting Partnerships - All managers should work to position their organizations to best meet the human resources challenges projected for the 1990's. The challenge of getting the talent EPA needs to achieve its mission will require the coordinated efforts of the servicing human resources offices and managers. This partnership has been a proven key to the success of Agency human resources initiatives in the past.

  Managers should be ready to accept their responsibilities in the partnership. The basics of these responsibilities include

identifying recruitment needs in advance, informing the servicing human resources office of these needs, and then working with the human resources office in the targeted recruitment activities designed to fill the manager's needs. The Agency has already obtained Office of Personnel Management approval for several hiring and position classification flexibilities to streamline the recruitment and employment process. We will continue to work on the simplification of our procedures. Managers however must become more knowledgeable of the tools now available to them and must work with their human resources offices to make the best use of those tools. With this knowledge, managers will be in a good position to propose further flexibilities, helping the human resources offices to simplify the system even further.

- EPA Management Intern Program - In FY '90 the EPA Management Intern Program was expanded from a Headquarters to an Agencywide initiative; in FY '91, the goal is to institutionalize it. Besides offering a number of progressive developmental opportunities, the Program is designed to attract new entry-level employees who are well-suited to working in EPA. The candidates the Program attracts are both undergraduate and graduate level individuals who often have a mix of both public administration and technical education backgrounds. The typical candidate has a masters degree in Public Administration and an undergraduate degree in an area of science or engineering. The Program has been extremely successful in attracting the right kind of people for EPA who will someday be Agency managers.

- EPA Secretarial Development Program - To meet the challenge of attracting a quality secretarial and clerical workforce to EPA, the Secretarial Development Program was implemented at EPA Headquarters in FY '89 & '90. The Program includes new and existing developmental opportunities which are packaged to serve as an attractive inducement to having a secretarial career with EPA. Recruitment is conducted at job fairs and at educational institutions specializing in secretarial skills development. In FY '91, the goal is to institutionalize the program and to offer it as a model to EPA field offices.

2. Developing Our Staff - The Agency's commitment to comprehensive career management helps give EPA one of the most highly skilled and motivated workforces in the federal or private sector. To reach and maintain such a high standard requires a solid foundation of career development programs that are both in step with current personal and Agency needs and sufficiently flexible to adjust to the still emerging and everchanging environmental requirements. All of EPA's career development programs recognize the changing systemic balance of the environment, technology, legislative and enforcement picture, and the workforce.

Just as technical competence is the foundation for achieving EPA's mission, effective management maximizes the use and utility of that

technical skill. A balance of technical competence and management skills is more important today than ever before.

We have entered a new era in which EPA is forced to play a leading role, developing solutions to complex environmental problems and strengthening our already firm commitment to achieving steady, tangible environmental progress. Our integrated, cross-media approach to program management is now commonly accepted throughout the Agency. We have several programs that enhance leadership and managerial skills, to capitalize on this breadth of experience and understanding. The following will figure into most human resources program planning:

- Presidential Management Intern Program - Is geared to attracting individuals who have a masters degree in public administration and have an interest in a career in public policies and programs. The internship is designed to provide a working-level knowledge and appreciation of integrated program-to-program and headquarters-field relationships, management issues and approaches to the analysis and operation of Federal programs.

- Greater Leadership Opportunities Program - Provides broad experience to EPA mid-level non-supervisory employees aspiring to future management positions. This program is specifically geared towards making qualified women and minorities competitive for supervisory positions.

- Upward Mobility Program - Provides increased opportunities for the Agency's highly motivated and capable employees in lower grade-level jobs, moving them into more challenging professional, technical, and administrative positions.

- EPA Management Intern Program (MIP) - Is designed to attract and develop superior employees with backgrounds and aspirations that support the mission of EPA. It is a 2-year program which includes: individual development plans; at least 12 months of rotational assignments outside of the home office; mentoring relationships; special training programs; frequent interaction with EPA senior management; special conferences, including orientation and graduation sessions; and opportunities to develop a strong network with other interns. FY '91 will mark its second year as an Agencywide program and the goal is to further institutionalize it throughout EPA.

- Mid-Level Development Program (MLDP) - Is a developmental program tailored to supervisory and management staff at the GS/GM 12-15 levels. It is designed to be implemented at the local level, i.e., all Assistant and Regional Administrators runs their own program. This local "franchising" allows for custom tailoring of the program so that it can meet organizational as well and staff development needs. It is a 2-year program and includes: mid-level development plans;

rotational assignments; mentoring relationships; special training programs; frequent interaction with EPA senior management; special team projects; special conferences, including orientation and graduation sessions; and opportunities to develop a strong network with participants in and outside of their office. Several programs are currently being operated within EPA; the FY '91 goal is to establish more local programs.

- Secretarial Development Program - The Secretarial Development Program's goal is to develop EPA secretaries and clerks to their highest potential so that EPA has a truly professional secretarial/clerical workforce. The program includes: special orientation for new secretaries; training curricula geared to the level of the employee; on-site college level courses as part of the Professional Certification program; mentoring relationships. While the major thrust of the program is development whether the secretarial career path and opportunities to grow into other careers are also available through the Upward Mobility or other developmental programs. In FY '91 the goal is to offer this Headquarters program as a model for field implementation.

- EPA Rotation Program - The evidence clearly suggests that employees with multiple work experiences are more valuable to the organization and more productive. Rotational assignments are a primary vehicle for employees to gain such work experiences. At EPA, employees are encouraged to seek quality rotation assignments either as part of a formal developmental program or on an individual basis. In order to facilitate rotational assignments, HRDD has designed and implemented guidance policy and a means for communicating rotational opportunities. The electronic course catalogue, E-CATS, has a component for advertizing rotational opportunities. In FY '91, the goal is to expand the use of E-CATS to advertise rotational opportunities.

- EPA Institute - Marks its sixth year of operation. The Institute is more than the traditional training operation in that it offers an extensive curriculum of courses developed and presented by EPA employees. This is not only a cost-effective method of training delivery, but it makes training more relevant because the subjects relate directly to EPA's mission and are based on EPA experiences and environment. In addition to providing quality training programs, the Institute allows in-house instructors the opportunity to grow professionally and to have greater interaction with their peers. The Institute serves as a source of information on EPA training opportunities and EPA has been a pioneer in providing course information through automated means. E-CATS, the automated course catalog, provides up-to-date course information via electronic mail and is accessible to not only EPA employees, but also to state, local and foreign government environmental organizations. E-CATS is also the host to an automated course registration process which

allows for more efficient training processing and relieves some of the administrative burden. In FY '91, the goal is to continue strengthening the Institutes in the Regions and Labs and to further expand the use of automated registration.

3. Retaining a Competent Workforce

In the coming years, the retention of a quality workforce will require us to concentrate on the total worklife of employees. That means we must move beyond traditional incentives (compensation, insurances, leave, etc.) and continue to work on less traditional initiatives. At the same time, we must build on our efforts to bring employees more and more into the work processes and decision-making that affect them daily.

Since salary and basic employee benefits are largely outside our control, we must make the most of areas where we are not constrained. We need to continue developing and implementing attractive alternatives to standard work practices such as flextime, compressed workweeks, flexiplace and leave banks. We also have to emphasize and encourage employee participation activities like childcare, health and fitness facilities, caregiving, counseling and support groups.

As the workforce composition and the workplace itself change, we have to adopt. In taking total quality management to heart, we will have to commit to greater empowerment of employees, more emphasis on teamwork and an image of the supervisor as an enabler and facilitator. Reinforcing those new directives through existing and new, innovative reward mechanism will be critical to our success.

B. STATE/EPA DATA MANAGEMENT

EPA's commitment to environmental federalism requires that we strengthen the methods and technology we use to manage and share data with State environmental and health agencies. If we are to continue to delegate program responsibility to States without sacrificing accountability and be responsible stewards of environmental data, we must have timely, complete and reliable data to monitor State progress in implementing and enforcing Federal environmental statutes.

In addition to being the source, State agencies are also the initial and primary users of the data required by EPA to manage delegated programs. Thus, our ability to obtain these data, as well as the ultimate success of the State-EPA partnership, depends on our success in devising data management policies and systems that support State efforts to achieve our common goal of overall risk reduction and pollution prevention.

1. Objectives

The overall purpose of the State/EPA Data Management Program is to build and maintain the infrastructure needed by EPA to (1) develop effective State/EPA data management and sharing; and (2) allow Regional and State mangers to integrate their data across media and program lines. The program is organized into two long term phases. In Phase I, Regions and States are working on projects which have applied a variety of methods and technologies, tailored to the unique needs of individual States, in pursuit of three specific objectives:

- To assure that complete, accurate data are provided in response to all EPA reporting requirements, and that these data are entered into EPA's national data bases in a timely way by either the States or the Regions.

- To provide direct on-line access that allows States to retrieve and validate State-reported data contained in EPA data bases.

- To establish policies and management practices that assure the integrity and compatibility of State-reported data when EPA handles, edits, and interprets these data.

EPA has plans to involve all States, Puerto Rico, and the District of Columbia in Phase I of the program by FY 1990.

Phase II focuses on assisting States and Regions in integrating data across media and program lines. It includes (1) developing data integration tools to pinpoint environmental problems and measure environmental improvements; (2) establishing priorities based upon risk to health or environment which will improve our abilities to balance regional and national program priorities, and (3) placing emphasis on opportunities for technology transfer to maximize

environmental results. This Phase will result in improved information technology tools and data management methods for applying State and EPA data resources to evaluate environmental problems that support risk reduction decisions and pollution prevention activities.

2. EPA Regional Offices (RO)

During FY 1991, each RO will be ensuring the full implementation of the Phase I program while maintaining support for the State projects begun during FY 1989 and FY 1990. Continued attention will be provided to sustain the training and procedural improvements required to institutionalize effective State/EPA data management practices.

Each Region will continue participation in the Phase II implementation of data integration activities in the States. Regions should prepare a management plan and milestones for Phase II implementation in States which have achieved Phase I objectives. Central to these management plans is a demonstrated commitment to provide a core staff in each Regional Office with the capability to assist other Regional and State staff in applying Phase II improvements in methods, tools and technology to address risk reduction decisions across media lines.

3. EPA Program Offices

EPA Program Offices should continue to review existing and planned data systems that involve State-reported data or data intended to measure State agency performance, to ensure that these systems are designed and managed consistently with the Agency's State/EPA data management policy. Plans and budgets should be developed to accomplish these changes, consistent with the Agency's priority on achieving effective environmental federalism.

Better data management will be achieved as we modernize our national and mission critical data systems. The Systems Development Center will continue to develop and enhance EPA data systems. Improving the quality, useability and access to EPA's data and data systems is the Center's first priority. The Development Center will provide the leadership, and focus in developing, managing and disseminating high quality environmental data. The Center's efforts will support an Agency goal to reinforce risk-based decision making using environmental data. The Center will also evaluate new systems development methodologies and technologies to improve EPA's system and software methods to better integrate them into the development process.

INTERNATIONAL DATA SHARING

As environmental problems are taking on new dimensions, people everywhere are expressing concern over a deteriorating global environment. The term "national security" is being redefined to include security from environmental, as well as military threats.

Our understanding of environmental problems is changing. Global problems are beginning to usher in a new era of cooperative international action.

Objectives

The International Data Sharing Program has three objectives: to establish the U.S. as a reliable partner in information exchange relationships; to make significant data sets available in a form that is useful to international partners; to assist developing nations to establish effective local information management capabilities.

In working toward these objectives, EPA is examining the existing international agreements and treaties and working toward the information exchange commitments. EPA will offer technical assistance where needed to facilitate the commitments. Reliable environmental data is central to any dialogue about global environmental problems. Access to data is sometimes limited by the technology available in the recipient country. EPA is building technology transfer efforts and is exploring alternative dissemination routes. EPA has gained experience over its short history in methods of effective data collection, storage and retrieval. Developing nations need to develop the ability to collect and manage data on their own environments. EPA is establishing itself as a model for information management in other countries.

The International Data Sharing Program is strengthening relationships with two United Nations Environment Program activities: INFOTERRA and the International Register of Potentially Toxic Chemicals (IRPTC). INFOTERRA is an international information referral network designed to facilitate the flow of environmental information within and between countries. EPA is the National Focal Point for information in the United States and supports a model program with the Botswana Program to improve access to environmental information in the southern region of Africa. This assistance enables Botswana to enhance INFOTERRA response capabilities and also facilitates the creation of a regional documentation center and system for the countries of the Southern African Development Coordination Conference.

The IRPTC is an information network and a database with data profiles on 600 chemicals and 8000 legal files. EPA provides technical consultation to the UNEP staff and provides technical assistance and availability to EPA users and potential users of the database.

In addition to these activities, the International Data Sharing Program encourages efforts to exchange environmental data, provides technical expertise and support, and explores the innovative use of technology for the acquisition, analysis and dissemination of environmental data.

1. Objectives

The overall purpose of the International Data Sharing Program is to provide reliable and timely data and information to the international community. EPA is establishing itself as a model information/data focal point to other countries. Reliable environmental data is central to any dialogue about global environmental problems. The EPA has learned plenty over its short history on methods of effective data collection, storage and retrieval. Information management is a corporate activity and science that the Agency can be a model and resource for other countries.

EPA's involvement with the United Nations organization, INFOTERRA, is central to the Program. INFOTERRA is an international information referral network designed to facilitate the flow of environmental information within and between countries. EPA is the National Focal point for information in the United States.

The International Data Program supports a variety of activities such as responding to international environmental inquiries with technical reports, bibliographies, legislation and database searches. We maintain inventories and registers of national sources of environmental information for inclusion in INFOTERRA directories and promote the use of the INFOTERRA network. EPA is involved in a partnership program working with Botswana. This partnership with Botswana will assist in the development of a national environmental information resource for the country. EPA will work with Botswana to develop bibliographies on selected environmental topics, deliver selected documents and develop a system to routinely share publications.

C. CONTRACTS MANAGEMENT

As an agency with growing responsibilities but with only minimal growth in its federal workforce, EPA continues to rely heavily on contractor support. This method of doing business requires strong and active contract management to ensure that we maintain integrity in the Agency's procurement process and ensure appropriate spending of federal funds. Throughout recent years, EPA has continued to receive scrutiny in various areas of its contracts management program. The Administrator's FY 91 Guidance outlines the direction the Agency must continue to go in order to improve the state of contract management at EPA. As National Program Manager, OARM is leading these efforts to improve EPA's management of its contracts.

MANAGEMENT ACCOUNTABILITY

- It is the responsibility of EPA managers and supervisors to familiarize themselves with the principles and the contracts management process in general, and to become personally involved in the contract activity of their organizations.

- Managers need to know the status of their contracts and senior managers should be prepared to discuss their contracts during quarterly SPMS meetings.

- Prohibited contracting practices will not be tolerated and the Agency's managers must understand the procurement process well enough to condone only legal and proper procurement practices in their organizations.

CONTRACT MANAGEMENT WORKFORCE

RECOGNITION

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

DEVELOPMENT

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

COMMUNICATION

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

D. ORGANIZATIONAL CONFLICT OF INTEREST

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

Organizational Conflict of Interest (OCI) and the way it is handled under Superfund contracts has been an issue of mounting concern over the past year. In FY 91, initiatives that the Agency began in connection with the Superfund Management Review will continue to be given significant emphasis. Several of the key activities that will take place over the course of FY 91 are as follows:

- OARM will continue to work on enhancements to the OCI database that was established in FY 90. This database contains case history on the resolution of conflict of interest issues and provides a point of reference to Agency staff who handle OCI matters. The database will also serve as a tool for generating statistics on Superfund contractors, Superfund sites, and various activities of the Superfund program that use contractor support. Headquarters and Regional contract management staff have access to this database.

- OARM will continue to conduct on-site reviews of contractors' OCI avoidance procedures. These reviews provide a check and balance to the self-disclosure of OCI matters that contractors must perform as work is assigned to them. The reviews ensure that contractors' systems meet minimum established requirements for the identification of potential conflicts within their business organization.

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

E. Building Public-Private Partnerships

This initiative was developed in response to the recognition by the Administrator and others that we face a crisis in meeting environmental expectations given the public resources currently available. There is a growing acceptance both within and outside of the Agency of the crisis and of the need for innovative and creative solutions. Public-private partnerships and other innovative financing techniques have great potential to help meet the growing environmental and resource challenges in the 1990's and beyond. The goal of this initiative is to increase the total investment in environmental protection by facilitating greater leverage of public and private environmental resources to help ease the environmental financing challenge facing our nation.

Strategy for Implementation

This initiative is being implemented through the national coordination and policy development efforts of a Headquarters' staff within the Office of the Comptroller along with the integrated efforts of the following groups: (1) an Agency-wide AA/RA level Steering Committee to provide overall leadership and direction for the initiative, (2) Regional Coordinators to serve as a focal point for regional involvement in implementing the initiative, and (3) Headquarters' Program Office Coordinators to serve as a focal point for program office involvement in the initiative.

The initiative will focus upon environmental finance and legislative and taxation issues at the Federal, state, and local levels, particularly with regard to their impact upon local governments and small communities. Special attention will be given to issues impacting three critical program areas, drinking water, wastewater treatment, and solid waste. Our strategy for enhancing the leverage of public and private environmental resources involves the following elements.

Developing the most effective financing approaches that can be used by the various levels of government to finance environmental program and infrastructure needs.

We have created an Environmental Financial Advisory Board (EFAB), to provide EPA advice on matters concerning environmental financing. This expert advisory panel is comprised of executives from all levels of government, including elected officials, the finance and banking community, business and industry, national organizations, and academia.

Determining tax policy changes at the Federal, state, and local level that would promote public and private sector financing options for environmental services and infrastructure.

The Environmental Financial Advisory Board will also be examining and addressing tax policy barriers and issues that

need to be modified or addressed at the various levels of government in order to facilitate public financing and encourage private investment in the provision of environmental services.

We are developing a Legislative/Regulatory Options Strategy which will identify and eliminate possible obstacles and disincentives to establishing public-private partnerships and other financing mechanisms for environmental services.

Developing the most effective financing approaches at the small community level to finance environmental programs and infrastructure needs.

We will be releasing for distribution a Self Help Guide for Public-Private Partnerships which is designed to show local officials how to choose the partnership option that best suits their specific needs and provide them detailed step-by-step information on how to structure and implement the partnership agreement.

The Environmental Financial Advisory Board, as part of its agenda, will be focusing in particular on the environmental financing needs of small and hardship communities.

To identify and pursue options or incentives that will encourage greater private investment in environmental services.

We are implementing a series of Demonstration Projects throughout the country which will serve as real-life, models of successful, practical solutions to environmental problems at the local level. The Demonstration Projects will benefit both the public and private sectors in the delivery of environmental services to the public and will be designed to be replicated to other communities in the country.

We will be establishing a Venture Fund which will serve as a pool of money available to support demonstration projects meeting established criteria for innovativeness, originality, or the new application of environmental financing techniques that involve public and private sector participation.

We are conducting a series of National, Regional, and State Conferences which are designed to bring together interested individuals from all sectors to focus on environmental financing and infrastructure problems and issues.

Major Activities and Responsibilities

1. EPA Regional Offices

An important emphasis in FY 1991 is to continue to involve the Regions in major elements of the initiative. Such involvement

is necessary to institutionalize support for, and maintain progress toward, increasing the use of public-private partnerships and other financing mechanisms at the community level.

The Regions will take the lead in identifying and documenting examples of both successful and unsuccessful public-private partnerships that have been created in their States. They will develop these examples into case studies for inclusion in a detailed casebook examining all facets of the major types of public-private partnerships.

Regions will play an important role in reviewing the Self Help Guide that will be produced to show local officials how to choose the best public-private partnership options and then successfully structure and implement them. They bring an operational, real-world approach to their reviews and critiques of these products.

Regions will continue to sponsor public-private partnership conferences involving representatives from EPA, States, and localities; the business and financial communities; professional and trade associations; environmental groups; and other interested parties. These conferences will build support for the initiative, educate participants about environmental financing alternatives, and promote innovative thinking on environmental financing problems and solutions.

Regions will also be involved in developing, implementing and supporting Demonstration Projects. Regional participation will include working with their States to determine and select interested and viable candidate communities, providing consulting assistance to communities during the project initiation phase, and serving as the liaison between the States and communities and Headquarters in monitoring the progress of the projects.

2. <u>The States</u>

State cooperation, assistance and participation is very important to the success of this initiative. In FY 1991, we will work closely with States in a number of project areas. States have a vital role in examining the incentives and impediments to business participation in public-private partnerships created by their laws and regulations. EPA will be working with them to create a favorable legislative/ regulatory environment at both the State and Federal levels.

States will be active participants in, and contributors to, the conferences sponsored by the Regions. They will also be encouraged to sponsor local conferences of their own promoting public-private partnerships and other financing alternatives. State cooperation in these efforts are crucial to the building

of relationships with community officials and to successfully carry out other networking activities.

States will also be actively involved in the Demonstration Projects. States will help determine and select candidate communities, open dialogues between EPA and local officials, and serve as a consultant to both EPA and localities. States will be vitally important in creating a favorable climate within which the Demonstration Projects can occur.

3. EPA Media Offices

In support of this initiative, the Media Offices will have an important role and opportunity to provide input to the Environmental Financial Advisory Board as it carries out its agenda. The Media Offices will be in a position to suggest key issues and problem areas that the EFAB should be examining. Also, the Media Offices' will be able to provide valuable support to the EFAB implementation process by reviewing recommendations and positions papers developed by the Board.

Media Offices also have an important role in providing input for the legislative/regulatory strategy options paper that will be developed, and then in leading the Agency review of this paper. There is no substitute for the technical expertise and institutional knowledge that the Media Offices possess.

They will provide this expertise again in their phase of the reviews of the self-help materials that will be developed for communities. Each Media Office will take the lead in ensuring the proper partnership approaches in their areas of program responsibility.

F. ASSISTANCE/INTERAGENCY AGREEMENT MANAGEMENT INITIATIVE

General Assistance Management

Consistent with the 1990 Administrator's Operating Guidance, Regions should complete consolidation of all grants administration functions in the Grants Management Office (GMO) of the Management Divisions under the Assistant Regional Administrator. Regions should also evaluate their grants management activities to assure they provide adequate internal controls. In addition, GMOs should continue to use the Regional Automated Grant Document System/ Interagency Agreement System (RAGDS/IAMS) for all assistance programs and IAGs. Headquarters program offices and the regions should use the Grants Information and Control System (GICS) for assistance program information and reports.

1. Headquarters Role

To support implementation of full grant consolidation in the GMOs, the Director, Grants Administration Division/Grants National Program Manager (NPM), will provide Assistant Regional Administrators with a Grants Administration Assessment Guide of Roles and Responsibilities for GMOs. During 1990, the NPM developed a grants specialist training curriculum. During FY 1991, the NPM will initiate development of appropriate training courses for grants staff. Enactment of amendments to the Clean Air Act will require development of guidance and regulations for new assistance programs and review of regulations and guidance for existing programs. The NPM will also chair the Grants Information Management Council which determines information requirements and establishes corresponding data elements.

2. Regional Role

During FY 1991, each Regional office is to assure consolidation of all IAG and assistance management functions in their GMOs under the ARA for Policy and Management consistent with the FY 90 Guidance. The grants workload assessment will guide this effort. The regions should evaluate GMO staff training needs in accordance with the NPM's established curriculum and assure resources are adequate to meet identified training needs. GMOs should perform on-site review of State systems on a periodic basis. In addition, regions should prepare to implement the Clean Air Act Amendments, including new programs. Regions should expand the use of the Regional Automated Grant Document System and Interagency Agreement System (RAGDS/IAMS) for all assistance programs and IAGs. The GMOs should also provide members for the Grants Information Management Council and assure travel resources are adequate to attend periodic meetings.

Superfund Assistance Management

This guidance identifies assistance agreement and Interagency

Agreement (IAG) management initiatives which support programs authorized by the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA). CERCLA authorizes $8.5 Billion for the Superfund program, of which approximately $1.6 Billion will be awarded to States, political subdivisions, thereof, and Federally-recognized Indian Tribal governments in the form of cooperative agreements and grants. EPA will also provide almost $2.0 Billion to other Federal agencies through IAGs. The size and complexity of the program requires effective and efficient management to assure its integrity and adequate internal control. To assure this needed integrity and internal control the NPM and regions should:

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

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

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

1. Headquarters Role

The NPM will provide updated policies and procedures for the award of Superfund cooperative agreements and IAGs, process and manage Headquarters awarded Superfund grants and IAGs, maintain adequate grants management information in GICS, and provide policy guidance for and oversight of the Regions. The NPM will also provide training programs for Superfund grants specialists and assure appropriate communication and outreach strategies between Headquarter's program offices and the GMOs.

2. EPA Regional Offices

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

Assistance Support for Alternative Financing/Public-Private Partnership Activities

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

During FY 1991 this includes GMO management of State Revolving Fund (SRF) grants consistent with Agency policy on grants administration roles and responsibilities. SRF grants are authorized by the 1987 Amendments to the Clean Water Act. The Act authorizes $2.4 Billion for Fiscal Year 1991 and a total of $8.4 Billion through FY 1994. The major SRF objectives for GMOs include:

- Continuing or instituting effective, efficient, and consistent regional assistance management practices in the SRF program;

- Helping States develop the capability to administer the SRF program consistently and effectively;

- Assuring compliance with the SRF regulation and assuring that nonstatutory/nonregulatory requirements are not imposed on States.

- Participating in the Annual Review required in the SRF program.

GMOs should also consider other opportunities to involve the private sector in environmental management activities. GMOS should be prepared to support alternative financing for Public-Private Partnership programs by maintaining an innovative assistance management infrastructure to provide capability to deal with future assistance programs and developing relationships with private sector organizations.

1. Headquarters Role

During FY 1991, the NPM, in cooperation with the Resource Management Division, will continue to pursue ways to improve financing of environmental needs. The NPM will provide policy and procedural guidance and assure appropriate communication with regional GMOs. In addition, the NPM will oversee the regional GMOs to assure they assume appropriate management responsibility for the SRF program.

2. Regional Role

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

G. OCCUPATIONAL HEALTH AND SAFETY AND ENVIRONMENTAL COMPLIANCE

The FY 1991 objectives, initiatives and high priority activities to be conducted to improve the Agency's Occupational Health and Safety and Environmental Compliance are identified in this section of the Guidance. Each of the major initiatives is summarized followed by the priority activities necessary to accomplish each initiative.

The successful management of the complex Occupational Health and Safety and Environmental Compliance programs depends on Agency managers addressing and achieving the FY 1991 objectives of:

- Building consistent and effective regional, laboratory and field occupational health and safety programs supporting the Agency risk reduction goals;

- Developing and instituting effective, efficient and consistent environmental compliance programs supporting environmental impact and federal facility compliance at our facilities;

- Establishing and promoting an effective national information system to measure the success or of reducing occupational and environmental hazards throughout the EPA.

The initiatives discussed below are directed towards helping every Agency manager and employee ensure that our Agency's Occupational Health and Safety and Environmental Compliance function is performed effectively.

Specific Occupational Health and Safety, and Environmental Compliance initiatives cover the areas of:

- Resources Control
- Procedure
- Policy
- Auditing
- Training
- Technical Assistance
- Communications
- Internal Controls

1. Resource Control

Resource control initiatives will be directed toward establishing mechanisms that will help ensure that resources are available for supporting safe working conditions for our employees and contractors in our facilities and at our field sites. Our facilities will continue to implement improvements and ensure that all operations and activities are conducted in compliance with environmental regulations.

- Each region and laboratory should maintain a unit/positions to perform the Health and Safety/Environmental Compliance activities including work conducted at field sites.

- OARM will continue to support a National Technical Assistance Contract available for all sites requiring a means of Health and Safety and Environmental Compliance support.

- The Agency's Building and Facility appropriation process will continue to emphasize health and safety and environmental compliance projects.

- Senior budget officers should assure that funds appropriated for health and safety and environmental compliance are used for that purpose.

2. Procedural Initiatives

Procedural initiatives will ensure necessary checks and balances between program and management responsibilities for safe working conditions for our workers, compliance with environmental regulations at our facilities while also ensuring fiscal integrity of our operations.

- All program activities should be checked against the Agency's Directives and guidance for health and safety and environmental compliance.

- OARM should ensure that health and safety and environmental compliance requirements are met Agencywide.

3. Policy Initiatives

Policy initiatives will ensure clear management goals. Implementation of the goals support a consistent national occupational health and safety and environmental compliance program.

- Regional offices, laboratories and field units should participate in identifying necessary policy, formulate the policy and provide for its implementation to support a cohesive and consistent program.

4. Auditing Initiatives

Auditing initiatives will help measure the effectiveness and efficiency of health, safety and environmental compliance programs and promote a commitment to their enhancement.

- Field units should regularly conduct self audits of their health and safety and environmental compliance programs.
- OARM should conduct oversight audits of health and safety and environmental compliance at EPA facilities.
- The information will be compiled to determine the national policy, guidance and training needs.

5. Training Initiatives

Training initiatives will ensure EPA employees are provided with clear understanding of policy, guidance and technical information that will assist them to work safety and in compliance with environmental requirements.

- All Agency managers need to commit resources to provide training that employees need to perform their j o b s safely and in compliance with environmental requirements.
- OARM should continue to identify quality training sources, both within and outside the Agency, that can provide the training.

6. Technical Assistance Initiative

EPA regional offices, laboratories and field units identify health, safety and environmental compliance issues that require technical review before implementation.

- OARM will work closely with EPA facilities and program offices to respond to technical issues and distribute this information to other EPA facilities for the enhancement of the national health and safety and environmental compliance programs.
- OARM encourages and will prioritize technical assistance in support of pollution prevention initiatives.

7. Communications Initiatives

Communications initiatives will ensure that health, safety and environmental compliance needs get high visibility, clear information, and good promotion.

- OARM will continue a two-way communication network with EPA facilities that effectively transfers health, safety and environmental compliance information.

- OARM will develop a promotional communication strategy that will inform EPA senior management and other federal agencies of EPA's commitment to proactive health and safety and environmental compliance programs.

8. Internal Control Initiatives

Internal control initiatives will ensure that all health, safety and environmental compliance operations achieve an enhanced level of effectiveness.

- OARM should use automated systems to track and routinely report on the health and safety and environmental compliance status of each EPA facility.

- EPA facilities should implement their action and abatement plans for achieving program improvements recommended in environmental compliance and health and safety audit reports.

H. PERSONAL PROPERTY MANAGEMENT

EPA has expended significant resources in an effort to make major improvements in the area of property management. A new PC-based Personal Property Accountability System (PPAS) has been developed and was implemented nationwide in FY 1989. This effort included a massive clean-up of the current data base. A policy announcement raising accountability threshold levels for personal property was issued on September 21, 1988. This change reduced the number of items to be tracked by 75-80% while reducing the total dollar value of the assets being tracked by only 55. The major objective of the Agency's property management program is to ensure that all Superfund and non-Superfund property is properly tracked and controlled.

1. The strategy to improve the internal control environment of property management includes the following:

   - On-going nationwide user training and expanded implementation of the new PPAS in FY 1990.

   - All regional and field property management officers are required to perform a comprehensive physical inventory of personal property accountable areas. These inventories should be properly reconciled and all outstanding issues resolved.

   - Written certification will be required that each accountable area has successfully completed the above tasks by the third quarter of 1990.

   - Headquarters will perform random on-site verification of this inventory process during FY 1990.

2. Headquarters will conduct quality assurance reviews at regional and field offices. These reviews will determine compliance with the Personal Property Management Policy to be issued and incorporated into the procedures manual during FY 1990.

   During the first quarter of FY 1990, regional offices will be notified of pending reviews. Headquarters will then conduct reviews and work with regional and field offices to ensure compliance with the policies and procedures Agencywide.

   As a result of these initiatives, the Agency's FY 1990 audit of property management should be free of previously identified deficiencies. In order to ensure continued compliance in this area, headquarters will conduct the same level of oversight on an ongoing basis in subsequent fiscal years.

I. SUSPENSION AND DEBARMENT

General Guidance

All Executive branch Federal agencies have been under a uniform suspension and debarment system for procurement since 1982, and assistance since 1988. In 1991 we anticipate implementing an OMB consolidated governmentwide rule for suspension and debarment incorporating both programs.

In FY 1991 we will continue an aggressive effort to investigate poor performance and misconduct on EPA specific projects as well as auditing settlement agreements on previous actions.

The Grants Administration Division is EPA's central office responsible for the suspension and debarment program for procurement under FAR, Subpart 9, and assistance under 40 CFR Part 32. The Offices of Regional Counsel and the Office of the Inspector General are also responsible for performing key tasks associated with the government-wide suspension and debarment program. In order that these offices can carry out their duties under the government-wide effort, it is important that EPA management officials understand that suspension and debarment is an important part of their responsibilities as well. The suspension and debarment program has and is continuing to experience unevenness in the activities reported, investigated and pursued from Region to Region. In FY 1991, the following efforts should be included in preparing workplans:

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

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

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

J. BUILDING AND FACILITIES

EPA facilities, inspite of our continuing efforts and success at getting significant increases in the B&F appropriation, continue to deteriorate. In addition, as programs, organizational structure and missions change, the facility must be altered to meet these changes. Our personnel increase without an equivalent increase in space, producing an ever growing burden on our facilities. In order to address the deterioration of our facilities, program changes and increase burden on our space we are aggressively moving forward with an improved B&F planning process which will include linkage with the space planning process through the annual call letter now.

We have emphasized the repair of critical health and safety projects and environmental compliance projects over the past years. As a result, we are beginning to address many of the major problems in these areas. We've enjoyed significant success increasing our funding from approximately $2 million in FY 1984 to $12.5 million in FY 1991. However, funding for basic repair and upkeep, space alterations, and modernization required by our changing programs have not kept pace. The average age of our facilities continue to increase and with this aging of the facilities the cost to maintain our facilities increase as well. We must invest in the basic repair and upkeep of our facilities while continuing to address critical health and safety and environmental compliance projects. We need to specifically identify those projects that are critical in carrying out the mission of EPA.

With many leases expiring over the next few years we need to coordinate and plan our repair and improvement projects with lease expiration dates. This is particularly important in order to maximize the use of these scarce B&F funds. We must improve our planning process and not wait to make repairs till they became emergencies.

A number of initiatives will be implemented in order to accomplish these goals more efficiently and effectively. They include:

- Management Evaluations
- Fine Tuning the B&F Projects Approval Process
- Identification of Funding Requirements

Management Evaluations

With OARM's lead, all Programs and Regions will develop an improved B&F planning and prioritization process that will be integrated with the space planning process. This process will include the improvement of project submissions, and planning related to changing programs, missions, and lease conditions.

B&F Projects Approval Process

OARM will evaluate the building and facility approval process and recommend methods to improve the effectiveness of the process.

Building and facilities project submissions. Justifications for the repair and improvement of facilities will show how the projects fulfill the following goals. These goals are 1) provide a safe and healthful working environment for EPA employees; 2) ensure that all EPA facilities meet pollution abatement standards; 3) provide facilities maintenance that is essential to prevent and halt deterioration; 4) improve capabilities at research, program, and regional laboratories to respond to new or existing legislation; and 5) consider required Headquarters, field, and regional office and laboratory relocations.

Prioritization of B&F projects. Projects will be submitted through Programs and Regions, for prioritization by each of their levels of management. All projects will also submitted through OARM to be evaluated and prioritized from a facilities and resources standpoint. We need to reach an accurate assessment of which projects must be funded in order to support the rebuilding of the Agency's infrastructure as well as new program needs.

Identification of Funding Requirements

We have emphasized the repair of critical health and safety projects and environmental compliance projects over the past years. We now need to focus on the basic repair and upkeep of our facilities while continuing to address critical health & safety and environmental compliance projects. We need to specifically identify those projects that are critical in carrying out the mission of EPA regardless of project category. Required projects will include space alterations, and modernization required by changing programs as well as health and safety, environmental compliance and repair and upkeep. Budget requirements for B&F change from year to year depending on when leases expire and specific facility needs. Programs and regions should specifically identify the impact of program changes through the B&F/space call letter on facilities and adequately request critical projects. This call letter will be the vehicle for the field to advise and report the impact of planned changes back to the budget process so that leases and building and facilities projects can be coordinated. Our goal is to identify funding needs and improve our planning efforts.

Office Of
Enforcement and
Compliance
Monitoring

OFFICE OF ENFORCEMENT
OFFICE OF FEDERAL ACTIVITIES
FY 1991 OPERATING GUIDANCE

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STARS MEASURES ..... APPENDIX

OFFICE OF ENFORCEMENT
OFFICE OF FEDERAL ACTIVITIES
FY 1991 OPERATING GUIDANCE

(Note: As this document went to print, there was a "Green Border" reorganization package under review which proposed a consolidation of various media program Federal Facilities Compliance functions within a new Office of Federal Facilities Enforcement (OFFE) in the Headquarters Office of Enforcement. When the reorganization is completed, OFFE will be issuing its own FY 1991 Operating Guidance. The OFFE guidance will be issued April 13, 1990 along with the Agency's other Supplemental Guidance documents.)

I. OVERVIEW

The Office of Enforcement (OE) serves as the principal adviser to the Administrator and national program manager for matters concerning enforcement and compliance.

Within OE, the Office of Federal Activities (OFA) is responsible for establishing effective liaison with and coordinating overall environmental compliance by other Federal agencies. OFA also ensures, to the extent possible, that other Federal agencies carry out their activities in an environmentally sound manner, that EPA's programs comply with the goals and requirements of the National Environmental Policy Act (NEPA) and other environmental legislation, and that EPA's Indian Policy is effectively coordinated.

This guidance addresses the Agency's goals, objectives, and program priorities for effective implementation of these responsibilities as defined by the Environmental Review, NEPA Compliance, Federal Facility, and Indian Programs. These programs are implemented in accordance with the following requirements:

- Section 309 of the Clean Air Act requiring EPA to review and comment in writing on all proposed major Federal actions.

- The National Environmental Policy Act (NEPA) and related laws and directives.

- Executive Order 12088 requiring Federal facilities to comply with environmental laws and regulations and requiring EPA to provide technical assistance and advice to Federal facilities to help ensure their compliance.

- o OMB Circular No. A-106 requiring the heads of Federal agencies to develop annually a five year plan for funding pollution abatement and control projects needed to meet environmental standards and requiring EPA to review those plans and to advise OMB.

- o EPA Indian Policy which guides the Agency in dealing with tribal governments in a manner consistent with the Federal Indian Policy, announced by the President on January 24, 1983.

Each of the OE programs managed by OFA supports more than one of the points in the Administrator's Management Plan. Because of their multi-media and cross-cutting nature, these programs are implemented in close coordination with the media programs at both Headquarters and Regional levels, and help address many of the priority activities. In this regard, OFA's program goals and objectives serve both as independent goals for focusing Federal Activities resources and as key elements in supporting the goals of the media programs.

The OFA functions also provide EPA a primary focal point for working with other Federal agencies to ensure that they carry out their project-related activities in an environmentally sound manner, preserving ecological and natural resource values to the maximum extent possible.

<u>The Environmental Review Program</u> provides EPA with a unique opportunity to anticipate and prevent future environmental problems associated with Federal actions by affording EPA the opportunity to influence decisions, often where it is too early in the planning cycle for direct application of EPA regulatory authorities.

<u>EPA's NEPA Compliance Program</u> plays a similar role internally by encouraging consideration of the full range of environmental impacts in EPA's project and regulatory planning. By focusing on the full range of potential environmental impacts in evaluating Agency actions, such as the issuance of new source NPDES permits, EPA can assure that environmental effects can be identified and minimized.

<u>The Federal Facilities Compliance and Indian Programs</u> both address environmental compliance problems with an orientation towards promoting strong self-monitoring and compliance programs. These programs facilitate technology transfer and training as a means for achieving long-term comprehensive compliance with environmental requirements.

Collectively the Federal Activities programs provide EPA with a unique tool for achieving environmental compliance from a large

range of Federal activities and also allows for targeting sensitive environmental areas (such as wetlands, riparian zones, and near coastal waters) for special efforts at preventing, reducing, or mitigating environmental damage.

II. ENVIRONMENTAL PROBLEM AREAS

ENVIRONMENTAL PROBLEM AREA #1: PREVENT FUTURE ENVIRONMENTAL PROBLEMS AND ECOLOGICAL DAMAGE FROM PROPOSED MAJOR FEDERAL PROJECTS AND ACTIVITIES.

A. MAJOR PROGRAM INITIATIVES

The EPA Environmental Review Program is oriented towards the prevention of future environmental problems from major Federal projects and activities by providing early and effective EPA input through participation and review in accordance with the provisions of Section 309 of the Clean Air Act and the National Environmental Policy Act.

In FY 1991, the top priorities for this program are:

(1) To ensure maximum incorporation of pollution prevention opportunities in Federal projects subject to NEPA.

(2) To ensure that the environmentally significant issues are identified and dealt with as a first priority.

(3) To ensure early coordination/communication of EPA issues with the lead Federal agency and the affected community.

In carrying out its mandate to review all proposed major Federal actions, EPA will emphasize the following five areas: (1) early involvement in the planning cycle for projects with potential for major environmental disruption; (2) review of Federal projects to ensure proper consideration of the impacts of major environmental changes that could significantly alter the efficacy of proposed environmentally protective programs or projects; (3) coordination with the EPA Program Offices on major policy thrusts and long range plans with potentially significant environmental effects; (4) liaison with Federal agencies whose programs may have particularly strong effects on, or implications for, environmental degradation or ecological or natural resource sustainability; and (5) follow-up liaison on projects to ensure resolution of significant environmental issues identified by EPA.

Headquarters and Regions will focus their pre-Environmental Impact Statement/Environmental Assessment (EIS/EA) activities on early involvement with those classes of Federal projects that have the potential for the greatest environmental impacts on environmental, ecological and natural resource values. For these high priority projects, EPA will seek to provide input to

agencies' project development processes to ensure consideration of the full range of alternatives and appropriate use of assessment methodologies. Early participation or consultation in Federal agency planning processes should surface, and lead to correction of potential problems at the earlier stages of project planning.

B. ENVIRONMENTAL INDICATORS

The environmental indicators reflecting effectiveness of the Environmental Review Program will include quarterly reports, compiled by OFA, that will track ERP activities and successes in connection with projects/programs determined to have serious and adverse environmental impacts. This report will be generated through existing information collection and reporting systems.

C. MAJOR ACTIVITIES

(1) Review all draft EISs ensuring that all EPA environmental policies/regulations are reflected in the EPA review of proposed major Federal actions.

EPA Headquarters and Regions will place high emphasis on specific liaison activities with Federal agencies to ensure that they are aware of EPA regulatory or programmatic policies and initiatives dealing with the priority environmental problems. Federal agencies, especially at the field level, will be encouraged to become constructively involved in promoting regulatory compliance with and participation in EPA initiatives for the resolution of these environmental problems. This activity is intended to ensure that where possible, EPA's programmatic goals are not compromised through the actions and projects of other Federal agencies. (Headquarters, Regions)

(2) Target final EISs and follow-up activity to ensure resource concentration on projects with significant environmental problems.

EPA Headquarters and Regions will conduct follow-up liaison on all project reviews where EPA has identified significant environmental problems. The purpose of follow-up is to explain EPA's concerns and to obtain positive agency responses to EPA's specific recommendations. Where necessary to resolve significant environmental problems, the reviewers will elevate projects to higher EPA management levels. Screening processes developed in FY 1990 will be used to identify final EIS review/follow-up prioritization for actions of environmental concern. (Headquarters, Regions)

(3) Improve Federal agency pollution prevention performance through better compliance with NEPA.

EPA Headquarters and Regions will work together to identify agency specific NEPA compliance problems which are resulting in continuing significant environmental problems from proposed projects. In accordance with strategies developed in FY 1990, EPA will conduct a coordinated Headquarters/Regional liaison effort with the identified Federal agencies to effect long term corrections to their operating procedures. (Headquarters, Regions)

(4) Target a specific EPA high priority problem area as a special ERP initiative.

Using criteria established in FY 1990, each Region will be asked to target an EPA high priority problem area which is also influenced by Federal projects or actions subject to NEPA (terrestrial and aquatic habitat modification, nonpoint sources, pesticide application, etc.). This special initiative will allow the Region to concentrate resources on a specific high priority area and fully explore the contribution of EPA's EIS review process to the other EPA enforcement/compliance mechanisms. (Regions)

ENVIRONMENTAL PROBLEM AREA #2: PROTECT AND ENHANCE ENVIRONMENTAL QUALITY THROUGH ENSURING EPA COMPLIANCE WITH THE GOALS AND/OR REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND RELATED LAWS AND DIRECTIVES.

A. MAJOR PROGRAM INITIATIVES

The objectives of the NEPA Compliance Program are to: (1) help improve EPA decision-making in order to avoid unanticipated environmental impacts, with an emphasis on identification of alternatives and the full range of potential impacts, including impacts on natural resources and possible inter-media transfer of pollutants, and identification of mitigating measures to avoid or minimize adverse impacts; (2) promote the dissemination to the public of information regarding the environmental implications of proposed agency actions and their alternatives; (3) ensure that EPA complies with the requirements and procedures of other relevant environmental laws and directives; and (4) assist in the development of agency-wide and program-specific ecological risk assessment procedures. It should be noted that environmental impact assessment lessens the possibility of inter-media transfer of pollutants and therefore relates directly to the more specific agency priorities.

The interdisciplinary experience developed in the course of NEPA compliance (primarily for water media programs) is increasingly involved in assisting other EPA program areas. In FY 1991, the NEPA Compliance Program will be directed to ensure that EPA's regulatory and other programmatic actions utilize the goals and/or requirements of NEPA and fully comply with relevant environmental laws and regulations. The program will be used to

promote improved decision-making for complex and controversial projects through comprehensive environmental impact analyses, impact mitigation, consultation, and involvement of the impacted public. Emphasis will be placed on those activities with the greatest potential for adverse public health or natural resource impacts and inter-media pollution transfers. Assistance will also be provided to other Federal agencies through participation as a cooperating Agency on EISs, when appropriate.

A continuing area of activity will be effective implementation of the State Revolving Funds (SRF) for municipal wastewater treatment and associated activities under Title VI of the Water Quality Act of 1987. Technical assistance will be provided to state environmental agencies as they implement State Environmental Review Programs (SERP) for State Revolving Funds. For those states that have approved SRF programs, an annual program review will be performed. At the same time this program will also attempt to ensure full compliance with NEPA for the construction grants programs during its phase-out period.

Major areas of activity will also include support of NEPA reviews for placer mining, for NPDES permitting of new offshore oil and gas activities, and for NPDES permitting of new electric power plants. There will also be increased emphasis on compliance with cross-cutting Federal environmental statutes and Executive Orders affecting such environmental values as wetlands, floodplains, coastal zones, historic preservation, and endangered species.

Another area of activity will be participation in the various agency work groups which are developing ecological risk assessment procedures. The NEPA compliance program will continue its involvement in these various efforts and will also provide technical assistance to EPA programs on site-specific activities requiring ecological risk assessment.

In some situations EPA programs may decide that, although not legally required, a voluntary EIS, or other multi-disciplinary, geographically based environmental assessment should be carried out. Such studies might be appropriate where there is concern over cross-media impacts, secondary or indirect environmental effects, cumulative environmental damage, and/or strong public interest and controversy. Resources permitting, the regional NEPA compliance program is prepared to offer technical assistance to the regional program offices in developing voluntary EISs or similar studies.

OFA will work with the Office of International Activities, the Agency for International Development and the Department of the Treasury to improve the environmental review capabilities of multi-lateral development banks and the information available to the U.S. director in making loans for development projects.

B. ENVIRONMENTAL INDICATORS

The NEPA Compliance program is designed to protect and enhance environmental quality. The most effective means to evaluate the effectiveness of the environmental impact process and the development and implementation of mitigation measures is through the process of post-project auditing on a case-by-case basis. As resources allow, EPA regions and program offices should perform post-project audits in order to evaluate and fine tune their programs to comply with NEPA and related laws and executive orders.

C. MAJOR ACTIVITIES

In addition to EPA's continuing responsibilities for NEPA analyses for construction grants, new source NPDES permits, and related special or generic studies, the following activities will be afforded special emphasis in FY 1990 as resources allow:

(1) Provide technical assistance to state environmental agencies carrying out environmental review programs for State Revolving Funds (SRF). Perform annual program performance reviews for existing SRFs. Assist states in assuring EPA compliance with environmental cross-cutting laws for the SRF program. (Regions)

(2) Assist in site-specific evaluations, e.g., working with CERCLA staff in the development of feasibility studies for remedial actions and RCRA staff on permitting activities, emphasizing the analysis of alternatives, cross-media impacts, mitigation, and public involvement. (Regions)

(3) Act as a cooperating agency with lead Federal agencies proposing projects that directly and substantially impact EPA's areas of regulatory responsibility. (Regions)

(4) Increase efforts to ensure that EPA complies fully with NEPA in its research and development and facilities activities. (Headquarters, Regions)

(5) Improve communication with other Federal agencies responsible for implementation of environmental laws and Executive Orders with which EPA programs must comply, in order to evaluate problem areas and facilitate agency compliance. (Headquarters, Regions)

(6) Continue to provide oversight and assistance to agency programs in complying with the requirements of other Federal environmental laws and relevant Executive Orders affecting wetlands, floodplains, agricultural lands, coastal zones, wild and scenic rivers, fish and wildlife, endangered species, historic and archaeological sites, etc. (Headquarters, Regions)

(7) Evaluate the effectiveness of NEPA compliance activities on selected projects for which FNSI/EAs or EISs were issued, with an emphasis on accuracy of impact prediction, actual installation of proposed mitigation measures and effectiveness of implemented mitigation measures. (Headquarters, Regions)

(8) In cooperation with the Office of International Activities, assist the Department of Treasury, State and AID in developing the environmental review capabilities of multilateral lending agencies and developing countries and in high priority individual project reviews. (Headquarters)

ENVIRONMENTAL PROBLEM AREA #3: ENSURE THAT FEDERAL FACILITIES ACHIEVE AND MAINTAIN COMPLIANCE RATES WHICH MEET OR EXCEED THOSE FOR NON-FEDERAL FACILITIES THROUGH TIMELY AND APPROPRIATE ENFORCEMENT/COMPLIANCE ACTIONS, TECHNICAL ASSISTANCE AND INCREASED EMPHASIS ON THE BUDGETARY APPROPRIATIONS PROCESS THROUGH OMB CIRCULAR A-106.

A. MAJOR PROGRAM INITIATIVES

The Federal Facilities Compliance Program is a comprehensive, proactive multimedia program mandated by Executive Order 12088 and consisting of three primary elements:

- Compliance tracking and oversight, including Dispute Resolution
- Technical advice and assistance
- Pollution abatement planning and review (OMB Circular A-106)

In FY 1989, the revised Federal Facilities Compliance Strategy was issued following a coordinated agency-wide effort lead by OFA and involving OE, OGC and all media program offices in Headquarters and the Regions. The Strategy established a comprehensive and proactive approach to achieving and maintaining high rates of compliance at Federal facilities. It provided the basic framework for all EPA media programs to follow to ensure that Federal facilities are fully integrated into EPA and State compliance monitoring and enforcement activities. The Strategy serves as the primary guidance document for the Federal Facilities Compliance Program with the OFA Operating Guidance setting annual priorities and activities for implementation of the Strategy.

In FY 1991, the top priorities for the Federal Facilities Compliance Program are:

(1) To take all actions necessary to ensure that violating Federal facilities are returned to compliance in as timely a manner as possible and to improve the overall identification and tracking of compliance status of the Federal facility universe.

(2) To provide timely and improved technical assistance to Federal agencies to help ensure their compliance with all environmental regulations, particularly those related to recently re-authorized statutes.

(3) To improve the effectiveness of the A-106 planning process and the identification of A-106 projects which are more closely aligned to identified EPA media program compliance priorities.

(4) To incorporate pollution prevention considerations into all major components of the Federal Facilities Compliance Program.

B. ENVIRONMENTAL INDICATORS

Environmental indicators developed by the media programs for compliance with EPA's statutes will also apply on a media-specific basis to Federal facilities. Compliance rates of each Federal agency will be tracked on a media-specific basis to determine whether they are meeting or exceeding compliance rates of the remainder of the regulated community. Federal agency A-106 pollution abatement projects will be reviewed to determine the extent to which they are addressing compliance problems in EPA's identified media program priority areas. We also will focus on whether Federal agencies are responding acceptably to the additional needed and amended A-106 projects identified by EPA Regional staff in appropriate inspections, reviews and "current compliance checks." A-106 projects also will be classified based on their compliance status and environmental significance.

C. MAJOR ACTIVITIES

(1) Increase emphasis on returning Federal facilities to compliance in a timely manner following the procedures outlined in the Federal Facilities Compliance Strategy and related media-program guidance.

a) Coordinate negotiations of Compliance Agreements and Consent Orders with Federal facilities, in cooperation and consultation with the lead media program office, within established media-specific "timely and appropriate" response time frames. (Regions)

b) Formally escalate unresolved issues related to specific Federal facilities violations jointly to the Assistant Administrator for OE and affected media program offices for dispute resolution. Work with media programs to develop referral packages when formal escalations are submitted by the RA. (Regions)

c) Nominate appropriate Federal facilities cases for the use of alternative dispute resolution procedures, especially as a means of resolving technical disputes, in cooperation with media program offices. (Headquarters, Regions)

d) Provide Headquarters media programs and OFA with copies of NOVs, NONs, and other administrative actions taken at Federal facilities. OFA will provide this information to Headquarters environmental offices of Federal agencies following review by EPA programs. (Regions, Headquarters)

e) Enhance compliance through administrative pressure by providing enforcement actions and periodic Compliance Status Reports to the top management at Headquarters of other agencies. (Headquarters)

f) Implement the Government-owned-Contractor-Operated (GOCO) Enforcement Policy issued in FY 1990 to ensure this category of Federal facilities is brought into compliance in an expeditious and efficient manner. (Headquarters)

g) Ensure that other Federal agencies responsible for Federal facilities outside the United States undertake the construction, maintenance or operation of such facilities in a manner which complies with applicable pollution prevention, control, abatement and remediation requirements and standards and that these actions are reported through agency A-106 plans. (Headquarters)

(2) Target problem Federal facilities through improved identification and tracking of the compliance status of Federal agencies.

a) Develop inspection targeting plans for Federal facilities in coordination with media programs on annual Regional/State inspection plans using compliance tracking data, historical violation trends, and repeat violator analyses. Ensure Federal facilities are being inspected at least as frequently as the minima established in media program guidance, receiving at least the same percentage of program oversight inspections as is done for other sources. (Regions)

b) Track the compliance status of all Federal facilities inspected during the fiscal year for each media program and report this information to OFA quarterly on an agency-by-agency basis using the PC-based Federal Facilities Tracking System (FFTS) installed in each Region. Utilize this System to meet other reporting requirements and track performance via "timely and appropriate" response. (Headquarters, Regions)

c) Update Regional media program lists of majors, significant minors and environmentally significant Federal facilities to

ensure all are properly classified and receiving required inspections. Identify noncompliance patterns and trends based upon a cumulative analysis of inspection results and key indications. (Headquarters, Regions)

d) Ensure that results of all Federal facilities inspections and any resulting enforcement actions are received from EPA Regional program offices and State agencies in a timely manner through State/EPA enforcement agreements or other means as appropriate. (Regions, States)

e) Work with Regional program offices and Environmental Services Divisions to conduct multi-media inspection of Federal facilities where appropriate. Provide an updated list of the Federal facilities identified as the prime candidates for multi-media inspections. Coordinate with NEIC on implementation of a pilot multi-media inspection program. (Regions, Headquarters.)

f) Accompany Regional media program staff on program and/or oversight inspections as appropriate and where resources allow. (Regions)

g) Coordinate with OE data management staff to ensure consistent, separate tracking and reporting of Federal facilities for comparison with other entities regulated by EPA. (Headquarters)

h) Issue periodic reports to Federal facilities Headquarters Offices regarding their facilities compliance status and informing them of new/proposed EPA policies, guidance and regulations affecting Federal facilities. (Headquarters)

(3) Improve State/Federal relationships affecting Federal facility compliance through more effective use of State/EPA enforcement agreements.

a) Increase efforts to have each State identify counterparts to the Regional Federal Facilities Coordinator through the State/EPA enforcement agreements. (Regions, States)

b) Initiate actions through the State/EPA agreements to ensure that delegated or authorized States inspect the required numbers of Federal facilities and report the results of inspections and enforcement actions to EPA in a timely manner. (Regions, States)

c) Conduct at least one annual meeting with the States in each Region to coordinate Federal facility compliance activities and identify and review Federal agency A-106 pollution abatement plans. (Regions, States)

(4) Ensure that Federal agencies are planning, programming and requesting funds for critical environmental projects through the

Federal Agency Environmental Planning Process (OMB Circular A-106).

a) OFA will coordinate with OMB and Heads of Federal Agencies to ensure that all Class I and Class II projects as well as critical (high priority) Class III projects are being funded in the appropriate timeframe. (Headquarters)

b) Fully implement the quarterly "Current Compliance Check" to follow the quarterly STARS report to OFA. Each inspection reported through STARS that resulted in an NOV or NON or other enforcement action should be evaluated, and if a new or amended A-106 project is needed to correct the problem, a new "needed" or "amended" project recommendation should be prepared and forwarded to both the Federal facility and to OFA headquarters. (Regions)

c) Coordinate the review and update of the Federal agency A-106 environmental plans with EPA regional media program staff and State agency personnel as appropriate. Fully implement the Class I, II, III compliance priority system. Since other Federal agency environmental budgets depend on each project being correctly identified as to its proper class, the Regional Federal Facility Coordinators are responsible for quality assurance prior to regional submission to Headquarters. (Headquarters, Regions)

d) Coordinate the regional review of the draft OMB pollution abatement and prevention report. Federal Facility Coordinators are responsible for ensuring that all projects to be included in the OMB report are reviewed and the environmental impact (high, medium, low) of <u>not</u> funding each project has been carefully assessed. Since OMB uses the EPA evaluation of each plan to determine the eventual funding level of environmental projects for each Federal agency, it is the responsibility of the Federal Facility Coordinators to ensure that Regional media personnel are properly trained in appropriate A-106 review techniques related to environmental impacts. (Headquarters, Regions)

e) Provide training to both EPA regional personnel and personnel from other Federal agencies on the A-106 environmental planning process. Federal Facility Coordinators are responsible for ensuring that all EPA Regional media personnel are adequately trained prior to conducting reviews of Federal agency plans. Also, provide training to the staff of other Federal agencies as part of regional compliance planning assistance visits. (Headquarters, Regions)

f) Continue development of training materials and conduct training for a minimum of two Federal agencies. Develop and publish Handbook on the Federal Agency Environmental Planning Process for use by all planning participants. (Headquarters, Regions)

g) Consult with Headquarters media program offices to identify inspection priority areas for A-106 projects. Federal Facility Coordinators are responsible for coordination of identification of Federal facilities included in quarterly STARS reports that are in these priority areas and to work with the agencies to address appropriate correction of identified compliance problems that can be accomplished through the A-106 planning process, either through the "Current Compliance Check" or the regular plan updates. (Headquarters, Regions)

h) Conduct visits to priority A-106 projects to provide technical assistance, review progress and participate in predesign meetings, where resources allow. (Regions)

(5) Increase technical assistance and training for Federal facilities as required by Executive Order 12088.

a) Conduct periodic (e.g. monthly, bi-monthly, or quarterly) "roundtable" meetings with key Federal agency personnel to disseminate information on new regulatory requirements. (Headquarters, Regions)

b) Hold at least one annual multi-media conference in each Region for Federal facility environmental personnel including Federal Land Management Agency staff. Specially targeted workshops, seminars or training courses on new or re-authorized statutes should also be presented as needed. (Headquarters, Regions)

c) Develop Compliance Management Plans for three significant Federal facilities identified in each Region to address existing and potential compliance problems on a multi-media basis. (Regions)

d) Make periodic coordination visits to significant Federal facilities to provide program assistance and review major A-106 projects. At a minimum, visits must be made to those facilities for which compliance management plans are being developed. (Regions)

e) Implement a guidance manual for Federal Facilities Coordinators on how to conduct a model program and include improved job descriptions for Federal Facilities Coordinators. (EPA Lead Region)

(6) Incorporate pollution prevention considerations into all major components of the Federal Facilities Compliance Program.

a) Continue to encourage and assist other Federal agencies in developing internal environmental auditing programs to help ensure compliance, enhance management system effectiveness and minimize risks to human health and the environment from

operations and activities at their facilities. (Headquarters, Regions)

b) Provide assistance to other agencies to ensure that environmental auditing programs are designed in accordance with EPA's "Environmental Audit Program Design Guidelines for Federal Agencies," and conducted in a manner consistent with the EPA "Generic Protocol for Conducting Environmental Audits at Federal Facilities" which were issued in FY 1990. (Headquarters, Regions)

c) Implement pollution prevention-related initiatives called for in EPA's new Federal Facilities Compliance Strategy ("Yellow Book"), which emphasized "... the use of preventive approaches through increased compliance promotion activities, improved technical assistance and training, and addressing patterns of noncompliance." (Headquarters, Regions)

d) Continue to utilize the EPA/Federal Agency Environmental Roundtable as the primary forum for communicating EPA's pollution prevention policies and activities to other Federal agencies. Also use the Roundtable as a means of exchanging ideas and trading success stories on pollution prevention among Federal agencies. (Headquarters)

e) Sponsor national workshops (with PPO) for both Federal agency environmental and procurement officials to expose them to these concepts and explore ways the Federal government can demonstrate leadership in the pollution prevention arena. Sponsor additional pollution prevention workshops in selected Regions for Federal facilities to transfer techniques on source reduction to the installation level. (Headquarters, Regions)

f) Conduct a "state-of-the-art" review of Federal agencies current activities and programs in pollution prevention related areas such as source-reduction and waste minimization; analyze opportunities for transferring new technologies and successful applications among agencies and to the private-sector as well. Develop a pollution prevention strategy aimed at Federal agencies. (Headquarters)

g) Encourage the submission of pollution prevention projects in EPA's annual A-106 call letter to other Federal agencies. Beginning in FY 91, necessary revisions will have been made to the data system which will enable proposed projects to be identified as pollution prevention related which will enable EPA to recommend high priority projects of this type to OMB for funding. (Headquarters, Regions)

h) Establish a forum of top-level procurement officials in the major Federal agencies to be representatives on a interagency workgroup to focus on the elimination of barriers to environmentally effective procurement practices. (Headquarters)

i) Work with other offices in EPA examining the existing Federal Acquisition Regulations (FAR) for means of incorporating pollution prevention requirements into these regulations. Consider formally making such recommendation to the Interagency FAR Council of which EPA is a member. (Headquarters)

j) Emphasize an ongoing multi-media approach to compliance monitoring activities at Federal facilities. At OFA's request, the National Enforcement Investigations Center (NEIC) will be completing and updating multi-media ratings for the most environmentally significant Federal facilities on a Region-by-Region basis. In addition, NEIC and OFA will conduct pilot multi-media inspections at selected Federal facilities. (Headquarters, Regions)

(7) Ensure that significant EPA guidance documents, policies and regulations incorporate appropriate language on Federal facilities, specifically applicability of the initiative, recommendations for implementation and schedules for achieving compliance.

a) Participate on Agency workgroups to provide advice, information and assistance concerning Federal facility issues/ concerns in order to ensure that they are incorporated early in the process and fully integrated into all relevant EPA staff compliance activities (e.g., NCP, Subpart K of the NCP, Title III). (Headquarters, Regions).

b) Continue to review and comment on media-specific guidance documents, policies and regulations at all stages of development to ensure that Federal facilities are addressed as appropriate. (Headquarters, Regions).

c) Continue to review pertinent communication strategies on major EPA actions to incorporate Federal agencies as an affected audience, when appropriate. (Headquarters, Regions)

d) Ensure timely Regional review of all Federal agency assessments and plans submitted for abandoned hazardous waste sites under SARA and corrective action plans for SWMUs under HSWA. In cooperation with Regional program staff, develop a strategy for Regional review of Federal agency PA/SI's and other documents submitted for all non-NPL hazardous waste sites on the new SARA Federal Agency Docket. (Regions)

<u>ENVIRONMENTAL PROBLEM AREA #4</u>: ENSURE ENVIRONMENTAL PROTECTION ON AMERICAN INDIAN LANDS THROUGH FOCUSED IMPLEMENTATION OF EPA'S AUTHORITIES AND PROGRAMS ON INDIAN LANDS.

A. MAJOR PROGRAM INITIATIVES

The objectives of EPA's Indian program, within the policy of working with tribes on a government-to-government basis, are to: (1) directly apply EPA's authorities and programs on Indian lands; (2) develop and enhance tribal institutional capabilities to assist in, or assure responsibility for, the implementation of EPA's authorities and programs on tribal lands; and (3) eliminate legislative and regulatory barriers to program implementation. OFA has implemented this program by working with media program staff and tribal representatives. The results of these efforts have been statutory amendments to SDWA, CWA, and CERCLA, the inclusion in Title III of SARA by proposed regulations, the development of tribal pilot projects in several regions, and the provision of training and technical assistance to tribal officials and staff. The EPA Indian program reflects the fact that EPA retains program authority on Indian reservations even where a reservation is geographically located "in" a "delegated" State; our responsibilities for those reservations remain the same as if they were in "non-delegated" States. The program also aims to ensure that the Agency's priorities are carried out on reservation lands in a manner similar to the way that they are carried out on non-reservation lands. Pollution prevention will be particularly important for Indian lands, which are on the verge of increasing economic development and natural resource utilization.

In FY 1991, EPA will continue to develop its Indian program as it has since the Agency Indian Policy was established in 1984. OFA and the Regions will complete a Congressionally-mandated survey of environmental conditions on tribal lands with the assistance of the media program offices. This survey will provide a more accurate base for future programs and for measuring environmental progress. The expertise gained in conducting the survey will enhance EPA's work with Tribal governments in the future, both in terms of the factual results and the mutual learning/relationships that will develop during the survey. As resources are increased, direct program activity will expand and regulatory programs will begin to be delegated to Tribal governments at an increasing rate. Regions and Headquarters offices must maintain good communication with Tribes with serious environmental problems. In addition, Regions and Headquarters offices will continue to provide training and technical assistance to Tribal governments through a variety of techniques including the use of the Senior Environmental Employee (SEE) program, the EPA Institute Scholar Program, training sessions held on or near reservations, and site visits to reservations.

Innovative approaches to managing and solving environmental problems will receive a high priority where they provide an effective means to address environmental problems in terms of cost and environmental results. OFA will continue in its

role of program coordinator, providing guidance, direction, and oversight.

B. ENVIRONMENTAL INDICATORS

EPA's capability to use media program environmental indicators to measure progress towards addressing the environmental problems on Indian lands will be an effective measure of the success of the Indian program. These indicators will be fine-tuned using the results of the Congressionally-mandated environmental survey to be performed during FY 1990-1991.

C. MAJOR ACTIVITIES

(1) Increase the level of direct programmatic involvement on Indian reservations to address critical air, water, hazardous waste, radioactive, solid waste, and toxic chemical problems as consistent with the overall goals and objectives of the media programs. (Regions)

(2) When amendments to the Clean Air Act and the Resource Conservation and Recovery Act are passed, develop implementing regulations and programs to treat Tribes as States. (Headquarters, Regions)

(3) Continue to provide direct technical assistance to Tribal governments including assistance on problem identification and infrastructure development. (Headquarters, Regions)

(4) Work with tribes to develop tribal environmental management plans. (OFA SEE Program, Regions)

(5) Strengthen outreach and liaison with Tribal governments, providing information and opportunity to participate in EPA programs, as appropriate. (Regions)

(6) Continue to strengthen external liaison with Indian Tribal organizations and relevant Federal agencies. (Headquarters, Regions)

(7) Conduct an inventory of environmental conditions and needs on Indian lands. (Headquarters, Regions)

Office Of Policy
Planning and
Evaluation

OFFICE OF POLICY, PLANNING AND EVALUATION

The Office of Policy, Planning and Evaluation (OPPE) is the Agency focal point for the development, management and assessment of planning processes; for policy development on regulatory and cross-media issues; and for the assessment and development of Agency strategies. In addition, OPPE is responsible for one program area, pollution prevention, which has a regional and state component. Pollution prevention activities will be the focus of OPPE's section of the FY 1991 Operating Guidance.

I. POLLUTION PREVENTION OVERVIEW

Pollution prevention refers to the use of materials, processes, practices, or products which reduce or eliminate the generation of pollution at its source. It is a tool which can be applied to all sectors of economic activity to conserve natural resources, minimize risk to human health, and protect ecosystems.

In FY 1990, EPA will issue a final pollution prevention policy statement, introducing a hierarchy of means for addressing environmental problems. Agency policy gives highest priority to source reduction -- the elimination or reduction in the use of hazardous substances and the generation of pollutants and waste. Second priority, for those wastes or pollutants that cannot be reduced, is to recycle or reuse them in an environmentally sound manner. Finally, treatment and disposal are useful and necessary management methods for pollutants that are neither prevented nor recycled. Pollution prevention emphasizes source reduction and recycling.

In addition to supporting this hierarchy for environmental decision-making, the Agency has also committed to a very broad scope of pollution prevention efforts. All pollution -- both hazardous and non-hazardous, regulated and unregulated -- should be considered under the pollution prevention umbrella. Pollution prevention applies to all types of pollutants in all types of media.

Many high risk environmental problems result from a wide range of pollutants from all sectors. Industrial point sources are still an important but limited component of all key sources of pollution. In addition to traditional and innovative command and control approaches, EPA and other governmental entities must also maximize use of all available tools to achieve environmental improvement including technical assistance, demonstrations, technology transfer, research and development, education and public pressure.

Because of this broad scope, all sectors of society must be involved in pollution prevention activities. Federal, state and local governments, industry, agriculture and energy sectors,

interest groups and private citizens all have essential roles to play in this effort. The broad mission also demands building on progress made to date, on clearly defining roles, and on setting priorities among activities.

The Pollution Prevention Division has four major program goals for FY 1991:

- Through analysis, targeting, and research, fully incorporate a multi-media prevention approach into EPA's process of policy and regulatory development and implementation;

- Expand and enhance the infrastructure of pollution prevention programs in the regions and states that will demonstrate effective pollution prevention approaches at the local/facility level;

- Collect and compile data that can be used to target future opportunities for prevention and to evaluate progress in achieving measurable environmental results;

- Disseminate technical information to the user community, and use outreach and education to develop a national agenda on prevention.

Given the differing levels of available resources as well as their different needs, priorities, and relationships with their states, it is difficult to identify specific activities that each region must undertake. In addition, as a new program area, the pollution prevention program is evolving and there may be changes to the program's direction and priorities over the next year. Therefore, it is more appropriate to suggest that the regions plan efforts which are parallel to and complement Headquarters' work but, based upon their needs and resources, which target specific prevention activities from the menu presented in the Operating Guidance.

Generally, the regions should select activities which serve to:

- Institutionalize prevention within and outside the region;

- Assist and build strong relationships with states;

- Demonstrate successful applications of prevention technologies and practices; and

- Train regional staff in prevention concepts.

II. FY 1991 MAJOR ACTIVITIES

Analysis, Targeting, and Research

Headquarters Activities:

- Conduct analyses needed to incorporate prevention into EPA's regulatory, policy and research agenda. For example, these analyses should assess the impact of past or proposed regulations, policies, and statutes on pollution prevention activities; seek to identify toxic substances or specific industrial sectors as prime targets for prevention technologies; facilitate or conduct research to identify incentives-based policies to internalize costs into decision-making processes and to accurately measure the true costs of natural resource use and ecological damages.

- Working with program offices, target a few sources, uses, and substances posing the greatest risk to human health and the environment and offering the greatest opportunity for using prevention as their solutions. Develop strategies and options for preventing their use or reducing their release.

- Work with EPA program and regional offices to help to establish prevention as the preferred implementation strategy in all strategic plans. Assist the program offices and regions to more fully incorporate these preventive elements into their strategic plans.

- Analyze major institutional, economic and political barriers to prevention experienced by industry, the agricultural sector, state and local governments, and the public, and develop strategies to remove these barriers. Consult with industry and states on their research to date.

- Identify, evaluate and recommend options for implementation of incentives policies (e.g., pollution charges, tax credits) to promote prevention.

- Continue to provide staff support for the Pollution Prevention Advisory Committee which provides direction for the Agency's pollution prevention program.

- As needed, provide assistance to recipients of 2-percent set-aside funds. Synthesize information on progress of these projects for quarterly program performance reports.

Regional and State Activities:

- Regional recipients of 2-percent set-aside funds should begin or continue work on projects, according to FY 1991 and FY 1992 work plans.

Regional and State Program Development

Headquarters Activities:

- Continue to support regional programs through the distribution of FTE and contract dollars dedicated to regional pollution prevention program support. Regional Coordinators in the Pollution Prevention Division will be responsible for maintaining effective two-way communication between Headquarters and the regions.

- With increasing regional assistance, manage the administration and oversight of the state pollution prevention grants distributed in FY 1990 (a total of $6 million to more than 20 grantees). Work toward sharing the responsibility for grant monitoring and oversight with the regions.

- With increasing regional assistance, analyze and evaluate the products and results generated by the FY 1990 state grants, and make recommendations for any specific projects that could be targeted under the state grants program.

- If resources are made available, initiate and administer the process for allocating multi-media, pollution prevention state grants in FY 1991.

- Continue to develop training materials on prevention, sharing updated materials with regions and states.

- Work to incorporate prevention into mechanisms such as state grant guidance and STARS (formerly "SPMS") commitments.

- Actively participate in National Roundtable for State Waste Reduction Programs.

- Work closely with the Office of Research and Development to initiate research and demonstration projects in support of state and regional programs, consulting with regions before projects are initiated and keeping them informed on project progress.

- When requested, provide assistance to recipients of 2-percent set-aside funds.

- Provide seed funding to support formalization of the National Roundtable for State Waste Reduction Programs.

Regional and State Activities:

- Work toward institutionalizing prevention concepts and activities inside the regional offices. This may entail developing a regional steering committee to meet periodically to discuss issues such as two-percent set-aside projects, incorporating prevention into permits, enforcement actions,

training, etc. Examples of actions are multi-media audits and required pollution prevention facility plans. The region may also choose to institutionalize prevention in-house, by initiating demonstration programs for office recycling, pollution prevention in EPA labs, energy conservation, use of clean fuels, and promoting two-sided copying.

External coordinating councils (as Regions I and X have developed) may be a useful vehicle for addressing source reduction and recycling issues relevant to industry, agriculture, states and Federal agencies in the region's jurisdiction.

- Provide assistance and oversight to states and multi-state organizations in developing and implementing pollution prevention programs. Frequent communication with states, regular State-EPA meetings, and working with the states to designate pollution prevention contacts in all key state agencies are ways of fostering strong relationships.

- Given available resources, use training as a way to integrate prevention into regional programs and operations. Prevention concepts may be incorporated into existing training programs (for inspectors, permit writers, legal staff, etc.) or may be the subject of its own course.

- Conduct pilot demonstrations of prevention technologies or practices (for example, Region IX's work to assist dischargers to POTWs in developing a source reduction and waste minimization program).

- Participate fully in the National Roundtable for State Waste Reduction Programs.

- Provide support and information delivery to municipalities, industry, and the public.

- Regional recipients of 2-percent set-aside funds should begin or continue work on projects, according to FY 1991 and FY 1992 work plans.

- State recipients of grant funds should begin or continue EPA-funded projects as scheduled and provide the required semi-annual progress reports to EPA.

<u>Information Collection, Targeting, and Evaluation</u>

Headquarters Activities:

- Implement the data collection strategy scheduled to be developed in FY 1990. In FY 1991, specific tasks include survey design and administration of new data collection efforts, as targeting activities deem necessary, and establish a national baseline for point and non-point sources using

available data. Headquarters will consult regions and states in determining what data are available, what are needed, how to coordinate data collection, etc.

- Work toward developing environmental and programmatic indicators to measure pollution prevention progress.

- Work with the Offices of Solid Waste, Toxic Substances, and other Headquarters and regional offices to accomplish targeting activities for major generators of pollutants.

Regional and State Activities:

- Use available data, such as SARA Title III, Toxic Release Inventory Data, RCRA Biennial Report data and SARA capacity assurance information to identify and target technical assistance and other implementation actions and to determine where new prevention technologies and practices are needed.

- Provide assistance to the reporting community on data collection issues, as necessary.

- Work with Headquarters to develop environmental and programmatic indicators to measure pollution prevention progress.

<u>Technology Transfer and Outreach</u>

Headquarters Activities:

- Continue to support and enhance the Pollution Prevention Clearinghouse, electronic bulletin board, and hotline by building in additional information about case studies, international clean technology, and results of state demonstrations. Continue to promote and market the Clearinghouse, targeting small and medium-sized industries, high risk/high volume industries as well as governments and consultants who would help businesses and localities.

- Pursue cooperative efforts with private and non-profit organizations, and other Federal, state and local agencies to provide information, create incentives, or remove barriers to prevention in industry, agriculture, energy, transportation, government and the general public.

- Conduct pollution prevention technology demonstration projects where useful and transferable results are likely. Conduct research, development, and demonstration in source reduction and recycling technologies -- substitute products, inputs, processes.

- Develop networks with the Organization for Economic Cooperation and Development and the United Nations Environment Programme to share information, technologies, successes in

prevention. Develop similar networks with relevant trade associations and environmental interest groups. Information will be shared with regions and states.

- Develop pilot prevention materials for engineering and management schools, drawing upon existing materials.

- Support conferences, seminars, and workshops for specific target audiences on prevention.

- Develop a model program for select categories of polluters.

- Continue to publish the Pollution Prevention Newsletter and other pollution prevention outreach materials.

- Work with the Office of Public Affairs and Communications to implement the Administrator's Pollution Prevention Awards Program. The Administrator will present the winners on each anniversary of Earth Day.

Regional and State Activities:

- Continue regional and state-specific targeted outreach efforts, consistent with national program direction.

- Assist Headquarters in developing national outreach tools and help to ensure their use in the field. Develop region-specific outreach tools, as appropriate. Work with States to share EPA materials and to facilitate development of State-specific materials.

- Participate in demonstration projects on pollution prevention techniques.

- Develop and utilize technical tools to assist target audiences in identifying prevention opportunities.

- Identify coordinating mechanisms and tools to accommodate regional and local outreach needs.

- Evaluate the effectiveness of outreach tools in the field--communicate the results to Headquarters for national dissemination.

- Implement pollution prevention opportunity assessment programs to assist the small business community.

- Support conferences, seminars, and workshops for specific target audiences on prevention.

- Share information on successful prevention technologies or practices through participation in the State Roundtable and through other mechanisms, such as the Pollution Prevention News and the Pollution Prevention Information Clearinghouse.

OFFICE OF AIR AND RADIATION

STRATEGIC TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

FY 1991 MEASURES AND DEFINITIONS

NOTE: FY 1991 measures for the Air Program will be developed after passage of Clean Air Act Amendments.

OFFICE OF AIR AND RADIATION
FY 1991
Office of Radiation Programs

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Strengthen Regional roles/ responsibilities to achieve goal of reducing radon public health risk	Revise FY 1990 Regional Strategies for FY 1991 including priorities for risk reduction activities, STARS activities and implementation plans.		Q1
Plan and implement Regional technical assistance	Report against targets on technical assistance activities for states, other Federal agencies, and the general public including: - State/EPA surveys - Other survey assistance - Mitigation assistance		Q1, Q2, Q3, Q4
Increase Regional initiatives in outreach to media, states, local and non-profit organizations	Report against targets on number/nature of Regionally initiated outreach activities which promote radon testing and mitigation including: - workshops - courses - public speaking - radon awareness campaigns		Q1, Q2, Q3, Q4

OFFICE OF AIR AND RADIATION
FY 1991
Office of Radiation Programs

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Facilitate development of core and enhanced radon response programs in states participating in state grant program	Report against targets for: - Core state Radon Programs - State measurement and mitigation certification programs - State programs to promote adoption of model construction standards - School testing programs.		Q2, Q4
Facilitate development and successful implementation or transfer of innovative state grant projects	Report number of innovative state radon projects completed (e.g., with final reports, actions and plans for information sharing with other states)		Q2, Q4
Facilitate development and successful implementation of three-year state radon program plans	Report on benchmarks for state progress in implementing plans (Benchmarks should be established on basis of state plans)		Q2, Q4
Facilitate successful implementation of Regional Radon Training Centers (RRTCs)	Report number of RRTC training courses/seminars held [This should be on basis of category (e.g., radon technology for mitigators, radon reduction in structures, radon awareness for homeowners)]		Q1, Q2, Q3, Q4

OFFICE OF AIR AND RADIATION
FY 1991
Office of Radiation Programs

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Implement radionuclide NESHAPs under Clean Air Act	Report on: (a) Number of site inspections (against targets) (b) Number of industrial facility requests reviewed for: - waivers - new construction - modifications (c) Number of states delegated NESHAP authority (against targets)		 Q2, Q4 Q2, Q4
Assist states in implementing Low-Level Radioactive Waste Policy Act (LLWPA) and Low-Level Radioactive Waste (LLRW) Standards	Report for each state: (a) Number of facilities subject to LLWPA and LLRW standards (b) Status of participation in state compact		 Q2 Q2, Q4
Assure Federal, state, and local preparedness for radiological emergencies	Report on the number of exercises evaluated (against targets)		Q2, Q4

OFFICE OF WATER

STRATEGIC TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

FY 1991 MEASURES AND DEFINITIONS

OFFICE OF WATER
FY 1991
PROGRAM AREA: Public Water System Supervision
GOAL: Protect Public Health

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Ensure compliance with existing drinking water standards	Negotiate, with each State, annual targets for the number of SNCs occurring as of the compliance period ending March 31, 1990 and the number of exceptions existing as of June 1, 1990 [both will be contained on the July 1990 SNC/Exception Report] that will be appropriately resolved or returned to compliance by March 31, 1991, and reported to ODW by June 22, 1991, for each of the two categories listed below. a) micro/turbidity/TTHM SNCs and exceptions. b) chem/rad SNCs and exceptions. (Note: Data are lagged one quarter.)	DW/E-1	Q 3
	Report, using the SNC/Exception Report format, against all SNCs those systems that: returned to compliance; had an appropriate enforcement action taken against them, remain unresolved, or became exceptions this quarter. Report separately for each of the following two groups: (Note: Data are lagged one quarter.) a) micro/turbidity/TTHM SNCs b) chem/rad SNCs Footnote: At the time the FY 1991 measures were being developed, the existing SNC definition was in the process of being revised.	DW/E-2	Q1,2,3,4

OFFICE OF WATER
FY 1991
PROGRAM AREA: Public Water System Supervision
GOAL: Protect Public Health

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Ensure compliance with existing drinking water standards.	Report, using the SNC/Exception Report format, those systems identified as exceptions through the prior quarter which have since returned to compliance, had an appropriate enforcement action taken against them, or remain exceptions as of this quarter. Report separately for each of the following two groups: a) micro/turbidity/TTHM exceptions. b) chemical/radiological exceptions. (Note: Data are lagged one quarter).	DW/E-3	Q1,2,3,4
	Report, State by State: a) the total number of EPA NOVs, proposed administrative orders, final administrative orders, complaints for penalty, civil referrals, criminal filings, and § 1431 emergency orders issued, and the amount of each administratively assessed/collected penalty, during the quarter. b) the number of State administrative orders, bilateral compliance agreements; civil cases referred to State Attorneys General (AG), filed, and concluded; and the number of criminal cases filed by the AGs and concluded. (OECM will report the same data for EPA referrals.) (Note: Data are lagged one quarter.)	DW/E-4	Q1,2,3,4

DW/E-1 SETTING TARGETS TO REDUCE SNCS & EXCEPTIONS

Each Region shall negotiate with each State, annual targets for the number of SNCs occurring as of the compliance period ending March 31, 1990 and the number of exceptions existing as of June 1, 1990 [both will be contained on the July 1990 SNC/Exception Report] that will be appropriately resolved or returned to compliance by March 31, 1991. States shall set two targets, one for the microbiological/turbidity/TTHM SNCs and exceptions, and one for the chemical and radiological SNCs & exceptions. The baseline for the targets shall be the number of systems contained on the July 1990 SNC/Exception Report which will be provided by ODW to the Regions in mid to late July 1990. This report will include the systems identified as SNCs for the first time as of the compliance period ending March 31, 1990; those previously identified for which "timely and appropriate" has not expired and the systems identified by the Regions as exceptions as of June 1, 1990. Targets shall be set based on the number of those SNCs and exceptions that will be appropriately resolved or returned to compliance by March 31, 1991. Regions are to negotiate each State's target based upon the State's current compliance statistics and capabilities for violation reduction.

An SNC is a public water system which meets any of the following criteria:*

- violates the microbiological MCL for 4 or more months during any 12 consecutive month period; or
- violates the turbidity MCL for 4 or more months during any 12 consecutive month period, or
- is a "major" violator of the microbiological monitoring or reporting requirements for 12 consecutive months, or
- is a "major" violator of the turbidity monitoring or reporting requirements for 12 consecutive months, or
- is a "major" violator of the TTHM monitoring or reporting requirements for 12 consecutive months, or
- violates the microbiological MCL, or is a "major" violator of the microbiological monitoring requirements for a combined total of 12 consecutive months, or
- violates the turbidity MCL or is a "major" violator of the microbiological monitoring requirements for a combined total of 12 consecutive months, or
- exceeds the level for any regulated inorganic, organic (excluding TTHM), or radiological contaminant, prescribed in guidance above which exemptions may not be issued, or
- exceeds the levels for TTHM, prescribed in guidance above which exemptions may not be issued, for 2 or more annual averages during the year, or

- fails to monitor for, or report the results of, any of the currently regulated inorganic, organic (other than TTHM), or radiological contaminants since the Federal requirements for that contaminant became effective (June 24, 1977)

* At the time the FY 1991 measures were being designed, the existing SNC definition was in the process of being revised.

Major Violator of a Monitoring or Reporting Requirement -- monitoring or reporting violations where a system fails take any samples for a particular contaminant during a compliance period, or where the system has failed to report the results of the analyses to the primacy agent for a compliance period. (If the agent receives no monitoring report or receives a report indicating that no monitoring was conducted, the M/R violation shall be classified as "major".

Level Above Which Exemptions May Not Be Issued -- Analytical levels for all of the currently regulated chemical and radiological contaminants (except TTHM), above which exemptions may not be issued are contained in WSG-61 published in 1979. These levels will be effective until the levels are revised (revision is currently in process). Since no exemption level currently exists for TTHM we will use the MCL until such a level is developed for TTHM.

DW/E-2 RESOLVING SNCs & IDENTIFYING NEW EXCEPTIONS

This measure will report those systems, which met any of the SNC criteria, which returned to compliance, had an appropriate enforcement action taken against them, remain unresolved, or became an exception for the first time this quarter. In addition to reporting system by system follow-up information, Regions are to report two summary numbers, one for each of the following categories: 1) micro/turbidity/TTHM SNCs, and 2) chemical/radiological SNCs.

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

OFFICE OF WATER
FY 1991
Definitions

"Returned to Compliance" for SNCs of a chemical or radiological analytical level is conducting analyses that demonstrates that the system no longer exceeds the MCL.

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

An "appropriate enforcement action" for SNCs is any of the following:

(a) the issuance of a bilateral, written compliance agreement signed by both parties, which includes a compliance schedule. (only appropriate for use by States)
(b) the issuance of a State or final Federal Administrative Order, or Compliance Order.
(c) the referral of a civil judicial case to the State Attorney General, or DOJ.
(d) the filing of a criminal case in an appropriate State or U.S. District court.

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

Timeliness for SNCs of chemical (other than TTHM monitoring) or radiological requirements is fourteen months after the system became a SNC. (Two months for the State to determine, and become aware of, the system's SNC status and twelve months in which to complete the follow-up/enforcement action). [This definition is being reevaluated and may be revised to be consistent with the definition used for micro/turbidity SNCs.]

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

DW/E-3 RESOLVING EXCEPTIONS

This measure will report those systems which previously became exceptions, which have returned to compliance, had an appropriate enforcement action taken against them, or remained exceptions during the past quarter. In addition to reporting system by system follow-up information, Regions are to report two summary numbers, one for each of the following categories: 1) micro/turbidity/TTHM exceptions, and 2) chemical/radiological exceptions. The definitions of returned to compliance and appropriate enforcement actions are contained in the previous section on DW/E-2.

DW/E-4 TOTAL STATE AND FEDERAL ENFORCEMENT ACTIVITY

This measure is intended to identify the level of effort of enforcement activity occurring at the State and Federal levels. The measure is to include actions taken against any system (regardless of whether it is classified as an SNC, or non-SNC. Only those State actions that are against violators of "SDWA requirements" should be counted. Actions against violators of non-SDWA requirements (e.g., violations of State operator certification requirements) should not be counted. For State actions report the number of bilateral compliance agreements; administrative orders; civil cases referred, filed, and concluded; and criminal cases filed and concluded. For Federal actions, report by State, the number of NOVs, proposed AOs, final AOs, complaints for penalty, §1431 emergency actions, each administrative penalty amount assessed and collected, and the numbers of civil referrals, and criminal filings.

The information should include all the actions occurring during the quarter -- it is cumulative. This measure will be compiled all four quarters during FY '91. AO actions "in the works" should not be counted. These will likely be completed in the subsequent three months and States and Regions will get "credit" for them in the following reporting period.

The performance expectations for individual Regions for the number of proposed and final AOs should be roughly equivalent to the actions predicted as being achievable in the FY '91 Enforcement Resources Model. Criminal charges filed by the AGs include criminal indictments and criminal informations.

OFFICE OF WATER
FY 1991
Ground-Water Protection

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Promote risk reduction efforts and prevent the contamination of current or potential drinking water resources through wellhead protection activities.	Track, against targets established by each Region, the number of States which have submitted a wellhead protection (WHP) program to EPA for review and determination if the program meets the full or partial requirements mandated by statute, and subsequent approval/disapproval.	GW-1	1,2,3,4
Strengthen States' capability to develop/implement programs which focus on the comprehensive protection of ground-water resources.	Report by Region: 1. Number of state profiles of ground-water protection strategies and implementation activities (e.g., statutes, regulations, guidance, etc.) employing an agreed-upon set of elements for a comprehensive State ground-water protection program. 2. Number of States which have submitted a comprehensive ground-water protection program for EPA review and acceptance.	GW-2	1,2,3,4

OFFICE OF WATER
FY 1991
Ground-Water Protection Definitions

GW-1 WELLHEAD PROTECTION PROGRAM

This measure is designed to build on the States' development of wellhead protection (WHP) programs in 1990.

Performance Expectation:

It is expected that each Region will work to increase the number of States with approved WHP programs to ensure that 60% of States, nationwide, have a WHP program in place by the end of FY 1991.

GW-2 COMPREHENSIVE STATE GROUND-WATER PROTECTION PROGRAM

This measure is consistent with the program's FY 1991 budget request, operating guidance, and other pertinent documents which emphasize the importance of moving the States toward development and implementation of comprehensive ground-water protection programs.

Performance Expectations:

1. It is expected that the Regions will complete state profiles of ground-water protection strategies and implementation activities for all States in each Regions.

2. It is expected that 5-10 States will submit a comprehensive ground-water protection program to EPA for review and acceptance by the end of FY 1991.

OFFICE OF WATER
FY 1991
GOAL - Protect underground sources of drinking water from endangerment by subsurface emplacement of fluids through wells

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Assure that injection wells maintain mechanical integrity.	Report, by Region, progress against quarterly targets for the number of wells that have mechanical integrity tests performed by operators and verified by EPA, States and Indian Tribes with primacy. (No quarter lag. EPA will continue to work with the States and Indian Tribes with primacy to modify submittal requirements to ensure there is a minimum of 30 days from the close of the quarter in which to respond.)	DW-2	Q 1,2,3,4
Ensure that any potential endangerment to USDWs is identified.	Report, by Region, for EPA, States and Indian Tribes with primacy the number of Class I, II, III, IV and V wells found in SNC. (No quarter lag. See DW-2.)	DW/E-6	Q 1,2,3,4
Maintain a high level of compliance through enforcement activities.	Report, by Region, for EPA, States and Indian Tribes with primacy all wells that appear on the Exceptions List from the date the violation becomes an exception through the date the violation is resolved, noting the date the formal enforcement action was taken, if any. (No quarter lag. See DW-2.)	DW/E-8	Q 1,2,3,4
	Report, by Region, for EPA, States and Indian Tribes with primacy the number of administrative orders and equivalent actions and the total number of Sec. 1431 emergency orders issued by well Class. (No quarter lag. See DW-2.)	DW/E-9	Q 1,2,3,4

DW-2 a. VERIFY MECHANICAL INTEGRITY TESTS (MIT)

A complete MIT is composed of a test for significant leaks in the casing, tubing or packer and a test for significant fluid migration into a USDW through vertical channels adjacent to the well bore. An MIT consists of a field test on a well or an evaluation of a well's monitoring records (i.e., annulus pressure, etc.) or cement records. At a minimum, the mechanical integrity of a Class I, II, or III (solution mining of salt) well should be demonstrated at least once every five years during the life of the well.

DW/E-6 DISCOVERY OF POTENTIAL ENDANGERMENT

Definition of SNC - The term "significant noncompliance" means: (a) any violation by the owner/operator of a Class I or a Class IV well, (b) the following violations by the owner/operator of a Class II, III or V well: (1) any unauthorized emplacement of fluids (where formal authorization is required); (2) well operation without mechanical integrity which causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (3) well operation at an injection pressure that exceeds the permitted or authorized injection pressure and causes the movement of fluid outside the authorized zone of injection if such movement may have the potential for endangering a USDW; (4) failure to perform an MIT when requested; (5) the plugging and abandonment of an injection well in an unauthorized manner; (6) any violation of a formal enforcement action, including an administrative or judicial order, consent agreement, judgement or equivalent State or Indian Tribe action; (7) the knowing submission or use of false information in a permit application, periodic report or special request for information about a well. NOTE: in the absence of information to the contrary, MIT failures and pressure exceedences are presumed to be SNC's.

DW/E-8 EXCEPTIONS LIST

This measure provides an indication of how well EPA, States, and Indian Tribes with primacy are resolving incidents of significant noncompliance. This is the name specific Exceptions List report which identifies those well owners and/or operators reported in significant noncompliance (SNC) on EPA Form 7520-2B for two or more consecutive quarters without being addressed with a formal enforcement action or returned to compliance. Any SNC reported on Form 7520-4 shall be reported until the SNC is resolved. Once a SNC is reported as resolved, it need not appear in subsequent reports.

DW/E-9 ADMINISTRATIVE ORDERS

This measure provides an indication of how many and what types of enforcement actions, EPA, States and Indian Tribes with primacy are taking when violations are discovered. Report, the number of proposed EPA AOs, equivalent actions by State and Indian Tribes with primacy, and the total number of Sect. 1431 emergency orders issued by well Class (list separately EPA, States and Indian Tribes with primacy). Since many Class V wells present high contamination risks to ground water, EPA, States and Indian Tribes with primacy should place an increased emphasis on issuing AOs for this Class. When counting proposed AOs, only those proposed orders that have been signed and sent to operators should be included. Draft information type orders are not included in this measure. Individual Regional performance for the number of AOs is expected to be roughly equivalent to the benchmark targets derived in the FY 1991 Enforcement Workload Model.

OFFICE OF WATER
FY 1991
Marine and Estuarine Protection

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Prepare environmental impact statements and rule making packages for Ocean Dumping site designation.	Track, by Region, progress against quarterly targets for: - number of final environmental impact statements, and - number of sites designated.	WQ-1	Q,1,2,3,4
Achieve the 29 commitments made in the 1987 Chesapeake Bay Agreement by the year 1991.	Track against targets the cumulative number of commitments in the 1987 Agreement that have been completed.	CB-1	Q,2,4
Complete Comprehensive Conservation and Management Plans (CCMPs) based on commitments in the State/EPA Conference Agreements for each estuary project in the National Estuary Program.	Track, by Regional project, completion of CCMP as scheduled in the State/EPA Conference Agreement.	NEP-1	Q,4
Achieve the various objectives of the Great Lakes Water Quality Agreement of 1978, as amended in 1987.	Track against targets the cumulative number of commitments that have been completed in the Great Lakes Water Quality Agreement.	GL-1	Q,2,4

OFFICE OF WATER
FY 1991
Marine and Estuarine Protection Definitions

WO-1 OCEAN DISPOSAL PERMITS

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

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

CB-1 CHESAPEAKE BAY PROGRAM

It is expected that Region III will meet the 29 commitments under the Bay Agreement of 1987 among the states of Pennsylvania, Maryland, and Virginia, the District of Columbia, and the Agency. These commitments relate to living resources, water quality, population growth and development, public information and participation, public access, and governance.

NEP-1 NATIONAL ESTUARY PROGRAM

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

GL-1 GREAT LAKES PROGRAM

It is expected that the Great Lakes National Program Office, Regions II, III, and V, and the Great Lakes States, will be working to meet the U.S. commitments under the Great Lakes Water Quality Agreement of 1987 with Canada. The priority commitments under the Agreement relate to development and implementation of Remedial Action Plans and Lakewide Management Plans, conduct of Assessment and Remediation of Contaminated Sediment projects, and continuing water, air, fish, and sediment monitoring and sampling programs.
programs.

OFFICE OF WATER
FY 1991
Office of Wetlands Protection
GOAL: Wetlands Protection

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Protect the most important wetlands and other special aquatic sites.	Track progress against targets for the number of strategic initiatives started.	WQ-2	Q,1,2,3,4
	Track number of strategic initiatives completed. (Targeted)	WQ-2	Q,1,2,3,4
Manage an effective section 404 compliance/ enforcement program.	Number of administrative compliance orders issued this quarter	WQ/E-1	Q,1,2,3,4
	Number of administrative penalty complaints issued this quarter		
	Number of civil cases referred to DOJ this quarter		
	Number of criminal cases referred to DOJ this quarter		
	Total number of cases resolved this quarter		

OFFICE OF WATER
FY 1991
Definitions

WO-2 PROTECTION OF IMPORTANT WETLANDS AND OTHER SPECIAL SITES

The "Strategic Initiative" (SI) encompasses a fairly wide range of strategic activities undertaken by a Region to improve protection of wetlands and/or other critical aquatic habitats on a broad (temporal/spatial) scale. An SI may be extensive involving increased EPA action on a broad geographic scale in a major program activity area (e.g. increasing public outreach throughout a State). Alternatively, it may be intensive in being targeted to a more limited geographical area (e.g. enforcement in that area). At a minimum, an SI must include problem analysis, identification of goals for the target wetlands, evaluation of options to achieve the goals, an action plan, implementation, and evaluation of results. As a guide, an SI should constitute a program component that represents one-tenth or more of the Region's wetlands program (using qualitative or quantitative indicators such as environmental results, funding and staff allocation, management attention). To "initiate" a strategic initiative, the Regional Division Director should approve the action; "complete" an initiative means to have implemented all components of the action plan, with only the evaluation of results remaining to be done. Examples of strategic initiatives include: advance identification, special area management planning, other comprehensive or multi-objective planning, enforcement activity, jurisdiction delineation, public outreach, significant active participation in a resource planning activity of another agency, joint activity with State, Tribal or local government, and wetland restoration and/or enhancement.

The performance expectation is that each Region will track existing strategic initiatives and will initiate one initiative during FY 1991. One strategic initiative should be completed during FY 1991. A more detailed four-page guideline on wetland "strategic initiatives" is available from the Office of Wetlands Protection

OFFICE OF WATER
FY 1991
Definitions

WQ/E-1 MANAGE AN EFFECTIVE SECTION 404 COMPLIANCE/ENFORCEMENT PROGRAM

Section 309(a) administrative compliance orders issued by EPA. As a general rule, such orders should require the violator not only to stop the illegal discharge, but also where feasible to take affirmative action to remove the fill/or restore the site.

Section 309(g) administrataive penalty complaints issued by EPA.

Civil section 404 cases that a Region refers, either independently or jointly with the Corps, to DOJ for judicial action.

Criminal section 404 cases that a Region refers to DOJ for prosecution.

Number of cases resolved during the quarter under each of the following categories:

Number of cases resolved through voluntary compliance, which occurs where the Regions has not initiated any formal enforcement action against an illegal discharger, but instead achieves compliance through informal processes.

Number of section 309(a) compliance orders where the violator has complied with the terms of the order.

Number of section 309(g) administrative penalty actions in which the respondent has paid the penalty to the Region or, in those situations where payment is due and not forthcoming, where a federal district court has issued a final order requiring payment of the assessed penalty.

Number of civil judicial referrals which have resulted in a federal district court entering a final order in the case.

Number of criminal judicial referrals which have resulted in a federal district court entering a final order in the case.

OFFICE OF WATER
FY 1991
PROGRAM AREA: Water Quality Planning, Standards and Assessment
GOAL: Restore and maintain the chemical, physical and biological integrity of the nation's waters

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Strengthen the role of water quality standards in protecting the Nation's critical aquatic resources.	Identify, against targets, the States for which Regions either (1) approve numeric criteria for 307(a) priority pollutants adopted in accordance with section 303(c)(2)(B) or (2) request the Administrator to promulgate numeric criteria for 307(a) priority pollutants for States that fail to comply fully with section 303(c)(2)(B).	WQ-3	Q,2,4
Strengthen the role of water quality standards in protecting the Nation's critical aquatic resources.	Identify, against targets, the States that, in FY 1991, complete a triennial review as required by section 303(c)(1) and for which EPA takes formal action (approval or disapproval and request for promulgation) on the revisions or additions to the water quality standards made during that review.	WQ-4	Q,2,4
Conduct water quality assessments to identify problems and determine effectiveness of water pollution control programs.	Report, by Region, the number of waterbodies and the number of stream miles, lake acres, estuary segments, coastal miles, and Great Lakes shore miles assessed through either (1) monitoring or (2) evaluation, according to EPA guidance for 305(b) reports.	WQ-5	Q.4
Ensure integration of CWA programs and target available resources on critical water quality problems.	Report, by State and qualified Indian Tribe, the amount of surface water funds identified in the 106 work programs by selected national water quality program elements.	WQ-6	Q.2

OFFICE OF WATER
FY 1991
PROGRAM AREA: Water Quality Planning, Standards and Assessment
GOAL: Restore and maintain the chemical, physical and biological integrity of the nation's waters

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Ensure timely implementation of approved NPS Management Program elements.	Identify by State, against targets, the number of watershed programs and projects in approved NPS management programs or portions of those programs that: (1) are initiated and completed in FY 1991 and (2) are initiated in FY 1991, but will not be completed until FY 1992 or later.	WQ-7	Q,2,4

WQ-3 Adoption of Numeric Criteria for 307(a) Priority Pollutants

Section 303(c)(2)(B) of the CWA, as amended, requires that numeric criteria be adopted in water quality standards for 307(a) priority pollutants that could reasonably be expected to interfere with designated uses whenever a State reviews water quality standards in accordance with section 303(c)(1). This measure tracks the States for which the Regions approve the numeric criteria adopted by the States and the States for which the Regions request the Administrator to promulgate those numeric criteria.

Not all States complied fully with the requirements of section 303(c)(2)(B) by the end of FY 1990. Where the Regions disapproved water quality standards or portions of those standards because the section 303(c)(2)(B) requirements were not met, the Regions must either approve the appropriate revisions to the State water quality standards or request the Administrator to promulgate Federal water quality standards. Targets for this measure have to be developed for the second and fourth quarters of FY 1991.

WQ-4 Complete Triennial Review

The water quality standards program priorities for each triennium (i. e., three year period) are established in accordance with the Office of Water's long term strategic plan for the program. These priorities strengthen the role of water quality standards in protecting the Nation's critical aquatic resources.

The water quality standards program requirements for the FY 1991-1993 triennium are discussed below. They address water quality standards for wetlands and estuaries, adoption of narrative biological criteria in water quality standards, adoption of salt water criteria in water quality standards, and adoption of the antidegradation policy and implementation methods in water quality standards.

By September 30, 1993, States and qualified Indian Tribes must adopt narrative water quality standards that apply directly to wetlands. Those standards shall be established in accordance with either the National Guidance, Water Quality Standards for Wetlands (April 1990) or some other scientifically valid method. In adopting water quality standards for

wetlands, States and qualified Indian Tribes, at a minimum, shall: (1) define wetlands as "State waters"; (2) designate uses that protect the structure and function of the wetlands; (3) adopt aesthetic narrative criteria (the "free froms") and appropriate numeric criteria in the standards to protect the designated uses; (4) adopt narrative biological criteria in the standards; and (5) extend the antidegradation policy and implementation methods to wetlands. Unless results of a use attainability analysis show that the section 101(a) goals can not be achieved, States and qualified Indian Tribes shall designate uses for wetlands that provide for the protection of fish, shellfish, wildlife, and recreation. When extending the antidegradation policy and implementation methods to wetlands, consideration should be given to designating critical wetlands as Outstanding National Resource Waters. As necessary, the antidegradation policy and implementation methods should be revised to reflect the unique characteristics of wetlands.

By September 30, 1993, State and qualified Indian Tribe water quality standards must apply directly to estuaries, as appropriate. In accordance with existing regulations and guidance, water quality standards for estuaries shall include designated uses, salt water criteria for pollutants for which EPA has published section 304(a) criteria guidance, narrative biological criteria to protect the designated uses of the estuaries, and the antidegradation policy and implementation methods. When including the antidegradation policy and implementation methods in water quality standards for estuaries, consideration should be given to designating the estuaries as Outstanding National Resource Waters.

In addition to wetlands and estuaries, by September 30, 1993, narrative biological criteria should be included in water quality standards for other high priority waters. Biological criteria shall be developed in accordance with either the Biological Criteria Program Guidance Document (April 1990) or some other scientifically valid method. Criteria shall be developed that define the structure and function of the water, including species richness, diversity, trophic composition, and abundance and/or biomass, that relate to the designated uses in the water quality standards. Such criteria may be used in refining the uses of the water and in determining if the designated uses have been attained.

By September 30 1993, water quality standards must contain salt water criteria, as appropriate. These criteria are for pollutants for which EPA has published section 304(a) criteria guidance.

Finally, by September 30, 1993, water quality standards must contain the antidegradation policy and implementation methods. This requirement is discussed in the FY 1988 national water quality standards program guidance and in the revisions to the Water Quality Standards Regulation.

For States and qualified Indian Tribes included in the targets for this measure in FY 1991, the State or qualified Indian Tribe must complete a triennial review of water quality standards by September 30, 1991. This includes meeting the requirements for the FY 1991-1993 triennium. In addition, EPA must take an approval/disapproval action on the revisions or additions to the water quality standards made during the triennial review for this measure to be met. An approval/disapproval action includes requesting the Administrator to take a promulgation action on the revisions and additions. Targets for this measure have to be developed for the second and fourth quarters of FY 1991.

WQ-5 Water Quality Assessments

This measure requires that the number of waterbodies and the number of stream miles, lake acres, estuary segments, coastal miles, and Great Lakes shore miles assessed by each State and qualified Indian Tribe be reported in the fourth quarter. In addition, the water quality status of the waters (i. e., designated uses supported, partially supported, or not supported); the number of waters where the designated uses are not supported fully because of nonpoint sources of pollution; and, for those waters where the designated uses are not supported fully because of nonpoint source pollution, the number affected by each category of nonpoint source pollution should also be reported for this measure. Water quality assessments are discussed in EPA's "Guidance for the Preparation of the 1990 State Water Quality Assessment - 305(b) Reports."

The assessment guidance establishes two categories of assessed waters: (1) monitored - waters for which current site-specific monitoring data exist and (2) evaluated - waters for which other types of data, such as land use information from predictive models and ambient data older than five years, exist. These two categories indicate the level of confidence for the water quality data.

A waterbody is defined as a fixed hydrologic unit as designated by the State. Waterbodies are limited to one type of water (e.g., river, lake, wetland, etc.). For additional guidance, consult the WBS User Manual.

WQ-6 Integration of CWA Programs

This measure provides Headquarters with the best available information on distribution of section 106 surface water grant funds among selected national water quality program elements. More detailed data related to all WQM funding sources and activities are reported annually

wetlands, States and qualified Indian Tribes, at a minimum, shall: (1) define wetlands as "State waters"; (2) designate uses that protect the structure and function of the wetlands; (3) adopt aesthetic narrative criteria (the "free froms") and appropriate numeric criteria in the standards to protect the designated uses; (4) adopt narrative biological criteria in the standards; and (5) extend the antidegradation policy and implementation methods to wetlands. Unless results of a use attainability analysis show that the section 101(a) goals can not be achieved, States and qualified Indian Tribes shall designate uses for wetlands that provide for the protection of fish, shellfish, wildlife, and recreation. When extending the antidegradation policy and implementation methods to wetlands, consideration should be given to designating critical wetlands as Outstanding National Resource Waters. As necessary, the antidegradation policy and implementation methods should be revised to reflect the unique characteristics of wetlands.

By September 30, 1993, State and qualified Indian Tribe water quality standards must apply directly to estuaries, as appropriate. In accordance with existing regulations and guidance, water quality standards for estuaries shall include designated uses, salt water criteria for pollutants for which EPA has published section 304(a) criteria guidance, narrative biological criteria to protect the designated uses of the estuaries, and the antidegradation policy and implementation methods. When including the antidegradation policy and implementation methods in water quality standards for estuaries, consideration should be given to designating the estuaries as Outstanding National Resource Waters.

In addition to wetlands and estuaries, by September 30, 1993, narrative biological criteria should be included in water quality standards for other high priority waters. Biological criteria shall be developed in accordance with either the Biological Criteria Program Guidance Document (April 1990) or some other scientifically valid method. Criteria shall be developed that define the structure and function of the water, including species richness, diversity, trophic composition, and abundance and/or biomass, that relate to the designated uses in the water quality standards. Such criteria may be used in refining the uses of the water and in determining if the designated uses have been attained.

By September 30 1993, water quality standards must contain salt water criteria, as appropriate. These criteria are for pollutants for which EPA has published section 304(a) criteria guidance.

Finally, by September 30, 1993, water quality standards must contain the antidegradation policy and implementation methods. This requirement is discussed in the FY 1988 national water quality standards program guidance and in the revisions to the Water Quality Standards Regulation.

For States and qualified Indian Tribes included in the targets for this measure in FY 1991, the State or qualified Indian Tribe must complete a triennial review of water quality standards by September 30, 1991. This includes meeting the requirements for the FY 1991-1993 triennium. In addition, EPA must take an approval/disapproval action on the revisions or additions to the water quality standards made during the triennial review for this measure to be met. An approval/disapproval action includes requesting the Administrator to take a promulgation action on the revisions and additions. Targets for this measure have to be developed for the second and fourth quarters of FY 1991.

WQ-5 Water Quality Assessments

This measure requires that the number of waterbodies and the number of stream miles, lake acres, estuary segments, coastal miles, and Great Lakes shore miles assessed by each State and qualified Indian Tribe be reported in the fourth quarter. In addition, the water quality status of the waters (i. e., designated uses supported, partially supported, or not supported); the number of waters where the designated uses are not supported fully because of nonpoint sources of pollution; and, for those waters where the designated uses are not supported fully because of nonpoint source pollution, the number affected by each category of nonpoint source pollution should also be reported for this measure. Water quality assessments are discussed in EPA's "Guidance for the Preparation of the 1990 State Water Quality Assessment - 305(b) Reports."

The assessment guidance establishes two categories of assessed waters: (1) monitored - waters for which current site-specific monitoring data exist and (2) evaluated - waters for which other types of data, such as land use information from predictive models and ambient data older than five years, exist. These two categories indicate the level of confidence for the water quality data.

A waterbody is defined as a fixed hydrologic unit as designated by the State. Waterbodies are limited to one type of water (e.g., river, lake, wetland, etc.). For additional guidance, consult the WBS User Manual.

WQ-6 Integration of CWA Programs

This measure provides Headquarters with the best available information on distribution of section 106 surface water grant funds among selected national water quality program elements. More detailed data related to all WQM funding sources and activities are reported annually

under quantitative measure 1(c). The information will be used in determining how the recommendations in the Office of Water State Funding Study can be implemented during the annual negotiations for State grant funds.

This measure requires that the amount of funds identified in section 106 work programs for the following national water quality program elements be reported in the second quarter: permits/enforcement; source and ambient monitoring and laboratory costs (combined); water quality standards; and NPS implementation. These national water quality program elements are defined in an attachment to a November 17, 1986, memorandum from the Director, Analysis and Evaluation Division (AED), Office of Water Regulations and Standards to the Water Management Division Directors. A copy of that attachment, which is titled "Water Quality Management Information System State Budget Matrix Program Element Definitions, FY 1987", is available from the Policy and Grants Section, AED (WH-586).

WQ-7 Nonpoint Source Pollution

This measure tracks, by State, the number of watershed programs and projects in approved NPS management programs that: (1) are initiated and completed in FY 1991 and (2) are initiated in FY 1991, but will not be completed until FY 1992 or later. This measure continues the process of shifting the nonpoint source management and control program from the development stage to site-specific implementation.

OFFICE OF WATER
FY1991
Water Enforcement and Permits

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Assess toxicity control needs and reissue major permits in a timely manner.	Track, against targets, the number of permits reissued to major facilities during FY 91 (report NPDES States and non-NPDES States separately).	WQ-11	Q 1,2,3,4
	Identify the number of final permits reissued and the number modified during FY 91 that include water quality based limits for toxics (NPDES States, non-NPDES States; report major and minors separately).	WQ-12	Q 1,2,3,4
Assure NPDES permits are fully in effect and enforceable.	Identify, by Region, the number of pending evidentiary hearing requests and track, by Region, progress against quarterly targets for the evidentiary hearing requests for major permits pending at the beginning of FY 91 resolved by EPA and for the number resolved by NPDES States.	WQ-13	Q 1,2,3,4
Effectively implement approved local pretreatment programs.	Track, by Region, against quarterly targets, for approved local pretreatment programs: 1) the number audited by EPA and the number audited by approved pretreatment States; and 2) the number inspected by EPA and the number inspected by approved pretreatment States.	WQ-14	Q 1,2,3,4
Reissuance of priority municipal permits which contain interim sludge conditions.	Track, against targets, total number of permits issued to priority sludge facilities containing sludge conditions necessary to meet the requirements of CWA section 405(d)(4).	WQ-15	Q 1,2,3,4
Encourage permitting efforts in near coastal waters.	Identify the number of CSO and storm water permits reissued in near coastal waters (report separately: NPDES States and non-NPDES States).	WQ-16	Q 1,2,3,4

OFFICE OF WATER
FY1991
Water Enforcement and Permits

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES program.	Report, by Region and State, the number of major permittees. Of these, track by Region and State the number and percent in significant noncompliance (list separately: municipal, industrial, Federal facilities; NPDES States, non-NPDES States).	WQ/E-4	Q 1,2,3,4
	Report, by Region and State, the number of approved pretreatment programs. Of these, track by Region and State the number and percent in significant noncompliance.	WQ/E-5	Q 1,2,3,4
	Identify, by Region and State, the number of major permittees in significant noncompliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators). Identify how many quarters they have been in significant noncompliance (report separately: municipal, industrial, Federal facilities).	WQ/E-6	Q 1,2,3,4
	Report, by Region and State, the number of major permittees that are on the previous exception list which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action by the QNCR completion date, and the number that were unresolved (not returned to compliance during the quarter or addressed by a formal enforcement action by the QNCR completion date). (Report separately: municipal, industrial, Federal facilities).	WQ/E-7	Q 1,2,3,4

OFFICE OF WATER
FY1991
Water Enforcement and Permits

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES program. (continued)	Report, by Region, the total number of (a) EPA Administrative Compliance Orders and the total number of State equivalent actions issued; of these report the number issued to POTWs for not implementing pretreatment; (b) Class I and Class II proposed administrative penalty orders issued by EPA for NPDES violations and pretreatment violations; and (c) Administrative penalty orders issued by States for NPDES violations and pretreatment violations.	WQ/E-8	Q 1,2,3,4
	Report, by Region, the active State civil case docket, the number of civil referrals sent to the State Attorneys General, the number of civil cases filed, the number of civil cases concluded, and the number of criminal referrals filed in State courts.	WQ/E-9	Q 1,2,3,4
Effectively enforce the pretreatment program.	Report, by Region, the number of State pretreatment civil and criminal referrals sent to State Attorneys General and the number of State civil and criminal cases filed.	WQ/E-10	Q 1,2,3,4
Identify compliance problems and guide corrective action through inspections.	Track, by Region, against targets, the number of major permittees inspected at least once (combine EPA and State inspections and report as one number).	WQ/E-11	Q 1,2,3,4

Water Enforcement and Permits Definitions

WQ 11/12 Permit Reissuance: Toxic Permits

The universe for **measure** WQ-11 is the total number of major permits that have or will expire by the end of FY 91). **Measure** WQ-11 is the total number of major permits issued with issuance dates (i.e., date signed by permit authority) during FY 91. Status as of the close of each quarter will be taken from PCS on the 10th of the month following the end of the quarter.

Measure WQ-12 is all permits (major and minor) that include water quality based limits on specific chemicals or whole effluent toxicity and with issuance (modification) dates (i.e., date signed by EPA or State permit authority) during FY 91. WQ-12 is specifically designed to count water quality-based permits issued in FY 1991. Since "limit" is specifically designed to exclude permits which only include monitoring requirements, such permits would not be counted by this measure.

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

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

Water Enforcement and Permits Definitions

Performance Expectation: The goal of the State and EPA NPDES program is to have reissued major and minor permits in effect on the date the prior permit expires. Permit applications are due and should be acted upon during the last six months of a permit's term. Most States and Regions, should be able to reissue 100% of their expiring major permits except where unusual, complex and difficult issues prevent timely permit reissuance.

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

WO 13 Evidentiary Hearings

The term "evidentiary hearing" is meant to encompass not only EPA issued permit appeals pursuant to 40CFR 124 but also any NPDES State issued permit appeals (whether adjudicatory or non-adjudicatory in nature). The meaning includes any and all administrative appeals to permit conditions for major facilities, whether the appeals stay or do not stay permit conditions. Evidentiary hearings for EPA issued permits are not considered to be pending if they are on appeal to the Administrator as of the beginning of FY 1991.

An evidentiary hearing should be regarded as resolved once an ALJ decision has been issued, a negotiated settlement has been reached, or the evidentiary hearing request has been denied or withdrawn.

Performance Expectation: Evidentiary hearings should be resolved as expeditiously as possible. The target should reflect resolution of all pending hearings. Although the measure is intended to reduce the backlog of pending hearings, consideration should be given to new hearings requests made during FY91 that have priority over pending requests. Such requests may be counted against commitments where they are priority cases (based on Regional/State evaluation).

Water Enforcement and Permits Definitions

WO 14 Pretreatment Audits and Inspections

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

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

The pretreatment compliance inspection (PCI) assesses POTW compliance with its approved pretreatment program and its NPDES permit requirements for implementation of that program. The checklist to be used in conducting a PCI assesses the POTW's compliance monitoring and enforcement program, as well as the status of issuance of control mechanisms and program modifications. A PCI must include a file review of a sample of industrial user files. Note that this measures tracks "coverage" of approved pretreatment programs, not the number of audits or inspections conducted, which may be greater than the number of programs since some programs may be inspected/audited more than once a year.

Performance Expectation: At a minimum, audits should be performed at least once during the term of the POTW's permit. Although an audit includes all the elements of a PCI, as one component, the activity should not be counted as both an audit and a PCI; it should be counted as an audit. In any given year, all POTWs that are not audited should have a PCI as part of the routine NPDES inspection at that facility, i.e. audits plus inspections should equal 100 percent of approved POTWs, except where mitigating circumstances prevent this (mitigating circumstances will be approved during negotiation process). For purposes of reporting, both audits and pretreatment

compliance inspections should be lagged by one quarter, i.e. same as NPDES inspections. Also, where both an audit and an inspection are conducted for a POTW, for purposes of coverage, only that audit will be counted.

WO-15: Sludge Permitting

Priority sludge facilities are: 1) pretreatment POTWs; 2) POTWS that incinerate their sludge; and 3) any other POTWs with known or suspected problems with their sludge quality or disposal practices. Pretreatment POTWs and POTWs that incinerate sludge may be considered to be non-priority if such decision is supported by information showing no cause for concern. The sludge conditions are to be included in permits as the NPDES permit expires and is reissued. The sludge conditions may be incorporated in another permit (such as a permit issued under the Clean Air Act, or a State permit pursuant to an agreement between EPA and the State) and referenced to the NPDES permit. "Sludge conditions necessary to meet CWA section 405(d)(4)" are those conditions required by the sludge permitting and state program regulations (May 2, 1989); 40 CFR Part 257, where applicable, and any additional case-by-case conditions necessary to protect the public health and environment.

WO-16: Near Coastal Waters Permitting

In accordance with EPA's near coastal waters initiative and the EPA Coastal and Marine Policy, Regions with coastal dischargers will accelerate actions for reissuing permits to these facilities. A near coastal water is one with measurable salinity and tidal influences, including dischargers in estuary drainage areas and Great Lakes dischargers. Permits should contain water quality based limits based on available wasteload allocations and should be analyzed for conventional pollutants and persistent, bioconcentratable toxicants. CSO permits include near coastal discharges identified in State strategies prepared under the September 8, 1989 CSO National Permitting Strategy. Storm Water permits include industrial and municipal discharges designated under section 402 (p)(2)(E) or those discharges covered under section 402 (p) stormwater application regulations. EPA's Permit Writers Guide for Marine and Estuarine Waters should be followed. This measure includes all new CSO and stormwater permits and all expired or expiring permits (major and minors) reissued in FY 91 (not modifications).

OFFICE OF WATER
FY 1991

Water Enforcement and Permits Definitions

WO E-4/5 NPDES Compliance

A facility is reported to be in significant noncompliance for failure to comply with NPDES permit requirements if it meet the criteria in the QNCR Guidance Manual, 1985. An approved pretreatment program should be identified as in significant noncompliance when it meets the criteria for SNC identified in the FY 1990 Reporting and Evaluating POTW Noncompliance with Pretreatment Requirements, issued September 27, 1989.

WO E-6/7 Exceptions List

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

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

Exception Lists reporting involves tracking the compliance status of major permittees listed in significant noncompliance on two or more consecutive QNCRs without being addressed with a formal enforcement action. Reporting begins on January 1, 1990 based on permittees in SNC for the quarters ending June 30, and September 30, that have not been addressed with a formal enforcement action by November 30. Regions are also expected to complete and submit with their Exception List a fact sheet which provides adequate justification for a facility on the Exception List. The fact sheet should be submitted by the 15th day of the beginning of the next quarter. After a permittee

Water Enforcement and Permits Definitions

has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.

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

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

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

Water Enforcement and Permits Definitions

WO E-8 Administrative Orders

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

WO E-9 Referrals

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

WO E-10 Pretreatment Referrals

The active case docket consists of all referrals currently with the State Attorney General and the number of referrals filed in State Courts. OECM will report the same data for Federal referrals; State referrals will be reported to the Regions.

WO E-11 Inspections

As the inspections strategy states, all major facilities should receive the appropriate type of inspection each year by either EPA or the State. As part of the NPDES inspection, verification of sludge management practices should be conducted as appropriate. EPA and States collectively

Water Enforcement and Permits Definitions

commit to the number of major permittees inspected each year with a Compliance Evaluation Inspection (CEI), Compliance Sampling Inspection (CSI), Toxic Inspection (TOX), Biomonitoring Inspection (BIO), Performance Audit Inspection (PAI), Diagnostic Inspection (DIAG), or Reconnaissance Inspection (RI). Reconnaissance Inspections will only count toward the commitment when they are done on facilities that meet the following criteria:

(1) The facility has not been in SNC for any of the four quarters prior to the inspection.
(2) The facility is not a primary industry as defined by 40 CFR, Part 122, Appendix A.
(3) The facility is not a municipal facility with a pretreatment program.

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

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

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

OFFICE OF WATER
FY 1991

Water Enforcement and Permits Definitions

INSPECTIONS	RETRIEVAL DATE The First working day after the second update in:
July 1, 1990 through Sep. 30, 1990	Jan. 1991
July 1, 1990 through Dec. 31, 1990	April 1991
July 1, 1990 through March 31, 1991	July 1991
July 1, 1990 through June 30, 1991	Oct. 1991

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

Note: STARS only tracks the number of major permittees inspected. OWAS tracks the number of inspections. Regional and State inspection plans should be established by FY 1991 in accordance with guidance on inspection plans.

OFFICE OF WATER
FY 1991
Municipal Pollution Control
GOAL: Improve/Maintain Environmental Quality of Surface Waters

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
State Revolving Fund Management.	Track, by Region, progress against quarterly construction grants and SRF, (2) net outlays for construction grants, and (3) net outlays for State Revolving Fund (SRF) program.	WQ-8	Q1, Q2, Q3, Q4
Management of On-going Construction Grants Program.	Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, Step 7, Marine CSO and PL 84-660 projects administratively completed.	WQ-10	Q1, Q2, Q3, Q4
Management of On-going Construction Grants Program.	Track, by Region, progress against quarterly targets for the number of Step 3, Step 2+3, and 84-660 project closeouts.	WQ-18	Q1, Q2, Q3, Q4

WO-8 STATE REVOLVING FUND MANAGEMENT

Percents of cumulative net outlays for construction grants and State Revolving Fund (SRF) to program commitment - The net sum of payment made and recovered from PL 84-660 projects, PL 92-500 contract authority projects, as well as projects funded with Talmadge/Nunn, FY 1977 supplemental, FY 1978 through FY 1990 budget authority, Section 205(g) funds, Section 205(m) funds, and all Title VI funds appropriated expressly for SRF.

Performance Expectation - The cumulative Regional commitment will consist of a construction grants, a SRF, and an overall component. The performance expectation for the overall cumulative commitment will be ± 5%; however, this performance expectation range can be widened as long as construction grants outlays remain within ± 5% of commitment and SRF outlays are within a ± 10% range.

WO-10 MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

Number of Step 3, Step 2+3, Step 7, Marine CSO, and PL 84-660 projects administratively completed - A project is considered administratively complete when a final audit is requested, or for projects that cannot be sent to OIG because of related ongoing projects, when all of the administrative completion requirements have been satisfied.

Performance Expectation - The goal will be to begin FY 1992 with no backlogged projects. An acceptable commitment would be the number of projects that must be completed in FY 1991 in order to enter FY 1992 with no backlogged projects, minus those projects the Region and Headquarters mutually agree are not able to be completed during FY 1991.

A "backlogged" project is defined as:

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

- A Step 3, Step 2+3, Step 7, or Marine CSO project awarded after 12/29/81 which has initiated operations for more than 18 months, but has not yet been administratively completed.

OFFICE OF WATER
FY 1991
Definitions
Municipal Pollution Control

WO-18 MANAGEMENT OF THE ON-GOING CONSTRUCTION GRANTS PROGRAM

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

Performance Expectation:

Project closeout is expected to occur within 6 months after final audit resolution. However, the time-based measure will not apply if:

- The grantee appeals a final decision in accordance with 40 CFR, Parts 30 and 31; or
- The action official has referred the project to the servicing finance office to establish an accounts receivable based on the audit findings.

As a minimum target, the estimated number of projects awaiting closeout or awaiting audit resolution at the beginning of the fiscal year or any project planned for "screen out" by OIG during the fiscal year should be planned for closeout by the end of the fiscal year. GICS select logic for closeouts is: P0 = 'Ab' or 'AB' or 'AC'

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

STRATEGIC TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

FY 1991 MEASURES AND DEFINITIONS

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Superfund

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Identify and assess uncontrolled hazardous sites in a timely manner.	Number of sites with Completed Site Inspections (SI). _/ Year to Date.	S/F-1*	Q 1,2,3,4
	SI Candidates Requiring Further Action. Reporting measure only. _/ Program to Date.	S/F-1a	Q 1,2,3,4
Commence action at hazardous waste sites to remove toxics or investigate cleanup strategies.	Number of NPL sites where a Removal action or RI/FS has started. Report against combined target. _/ Year to Date.	S/C-2*	Q 1,2,3,4
	Percent of NPL sites Addressed. Reporting measure only. _/ Program to Date.	S/C-2a	Q 1,2,3,4
Implement an integrated Superfund effort that focuses both programs toward selection of remedy following the completion of the RI/FS stage.	Number of Remedies selected at NPL sites. Report against combined target. _/ Year to Date.	S/C-3*	Q 1,2,3,4
	Number of Remedial Design/Remedial Action negotiations that have concluded. Report against referrals for settlement, litigation or fund RD start. _/ Year to date.	S/C-4*	Q 1,2,3,4
	Number of Remedial Designs completed at NPL sites. Report against combined target. _/ Year to date.	S/C-5*	Q 1,2,3,4

* This measure requires Regional targets.
_/ Definition at end of program measures.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Superfund

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Implement a cost-effective remedial construction program.	Number of Remedial Action activities started through Award of Contract at NPL sites. Report against combined target._/ Year to Date.	S/E-6*	Q 1,2,3,4
	Number of Remedial Action activities completed at NPL sites. Report against combined target. _/ Year to date.	S/E-7*	Q 1,2,3,4
	Type of Media Addressed. Reporting measure only._/ Year to Date.	S/E-7a	Q 1,2,3,4

* This measure requires Regional targets.
_/ Definition at end of program measures.

Office of Solid Waste and Emergency Response
FY 1991
Superfund Definitions

S/C-1 Number of Sites with Completed Site Inspection (SI) - This measure includes only Screening SI's. A SI is completed when: 1) a Screening Inspection Report has been received by the Region from a FIT, or the State; 2) the report has been reviewed and approved by the appropriate Regional official; 3) a decision has been made on whether to proceed with further site evaluation work; and 4) the SI report has been recorded in CERCLIS.

S/F-1a SI Candidate Completed to Date (Report quarterly percent of universe completed to date)
The number of SI candidates is determined by the number of sites in CERCLIS that have had a PA completion, and based on the PA completions, have not been classified as "no further action." The number of SIs completed to date is divided into the number of candidates to determine the percent of SI candidates completed to date.

S/C-2 Number of Sites Where Activity has Started - Number of NPL sites (Final and Proposed) where on site activity has begun. On-site activity is characterized by either a removal action under the direction of EPA or through an: Administrative Order, Consent Decree or judgement; or implementation of a first RI/FS at the site but not both.

Fund-Financed: A Fund Removal counts toward this target when:
1) The Action Memorandum has been approved by the On Site Coordinator (OSC), Regional Administrator (RA), or Assistant Administrator (AA); and 2) a contract has been signed for an EPA or U.S. Coast Guard (USCG) on-site removal; and 3) an obligation for the removal has either been recorded in the Financial Management System (FMS), or has been reported and documented in CERCLIS or when the OSC activates $50,000; and 4) there is no current or previous on-site Fund-financed or PRP Removal activity; and 5) on-site removal work has begun. The date the on-site work began is the start date for the removal action.

PRP-Financed: A Potentially Responsible Party (PRP) Removal counts toward this measure when: 1) there is no current or prior on-site Fund-financed or PRP removal activity; and 2) there is on-site removal activity financed by the PRP in compliance with an Administrative Order (Unilateral or On Consent) or Consent Decree, or judgment. The date the on-site work began as entered in CERCLIS will be considered the start date for the PRP removal. If the PRP does not comply with a Unilateral Order, credit is not given. Where a PRP is in substantial non-compliance, credit will be withdrawn.

Site status (NPL or Non-NPL) will be determined by the status indicated in CERCLIS when accomplishment reports are pulled. A First RI/FS means that there has been no prior RI/FS activity at that site.

Fund-Financed: A Fund Program RI/FS start is counted when: 1) Either a contract has been signed by the Procurement and Contracts Management Division (PCMD), or a Cooperative Agreement has been signed by the Regional Administrator to conduct a RI/FS, and 2) obligations have been recorded or documented in CERCLIS as of the end of the reporting period and 3) there is no prior settlement with a PRP for a RI/FS.

The Fund-financed Start is defined as the date of first obligation for a RI/FS at site. Obligations for forward planning activities, community relations planning and/or similar support activities do not constitute a RI/FS start. Fund-financed RI/FS include: Federal (F), State (S), State Enforcement (SE) and in-house (EP) lead projects as these leads are used in the FY 1991 Program Management Manual. The appropriate dates must be recorded in CERCLIS.

PRP-Financed: A PRP lead RI/FS Start occurs when an Administrative Order on Consent is issued or a Consent Decree is referred to Headquarters or the Department of Justice (DOJ) for a RI/FS, and there has been no Fund obligation and no previous settlements for: RI,

FS, or RI/FS (see above). The start date is defined as the last signature date by the appropriate official or party (e.g., the RA, DOJ, or private party on the Administrative Order on Consent), or the date of referral to Headquarters of a Consent Decree for the PRP to conduct the RI/FS. If the PRPs are performing the RI/FS under a State Order or comparable Enforcement document and the site is covered by a: State Enforcement Cooperative Agreement, Superfund Memorandum of Agreement (SMOA), or other EPA/State agreement; credit will be given based on the date the State order is signed by the last appropriate official or party. (If there is a Settlement for Multiple Operable Units, the start date for the first RI/FS would be the last signature date by the appropriate Federal agency or party.) The appropriate dates must be recorded in CERCLIS.

PRP-financed RI/FS's include: Responsible Party (RP), Mixed Funding (MR), and Responsible Party under State order with Federally funded oversight (PS).

A shift between a Fund, or PRP RI/FS, can occur when there has been a Fund obligation, and work has not proceeded beyond the RI/FS Work Plan approval stage. If a PRP takes over a RI/FS before or at this juncture, the RI/FS lead at this site should be changed from the Fund to PRP. If the PRP begins the RI/FS and it is subsequently taken over by the Fund the same criteria apply.

Federal Facility: Federal Facility RI/FS are conducted by the Federal entity. The Federal Agency is required to start a RI/FS within six months of site listing on the NPL. The start of a Federal Facility RI/FS is defined by either a signed FFA/IAG or a publication of timetables and deadlines in consultation with the state for expeditious completion of the RI/FS. A subsequent RI/FS start is defined as the receipt of the RI/FS workplan within the context of the FFA/IAG.

S/C-2a NPL Sites Addressed to Date (Report quarterly as percent of universe)

The number of proposed or final NPL sites where a removal action, RI/FS, enforcement action (Section 106 referral or Unilateral order) or RCRA corrective action has taken place. RI/FS starts includes Federal Facility, State Enforcement (with or without EPA involvement) and State financed projects.

S/C-3 Number of Remedies Selected at NPL Sites

A Record of Decision (ROD) has been signed by either the Regional Administrator or Assistant Administrator for OSWER, and the appropriate date has been recorded in CERCLIS. The signature date by the RA or AA represents the ROD completion date. Remedies selected include: Federal (F), Federal Enforcement (FE) and Federal Facility (FF).

S/C-4 Number of Remedial Design (RD)/Remedial Action (RA) Negotiations that have concluded at NPL Sites.

RD/RA negotiations are complete when the region makes a decision on how to proceed with RD/RA activities. There are four decisions that identify RD/RA negotiation completion, they are: 1) The signed consent decree (Section 106 or 106/107 referral with settlement) for RD/RA and 10 point analysis is referred by the region to either DOJ or HQ; 2) A Section 106 or 106/107 referral for RD/RA without settlement is referred to DOJ or HQ; 3) A Unilateral Administrative Order (UAO) of RD and/or RA to initiate site work is issued and the RP is in compliance; 4) A UAO of RD and/or RA to initiate site work is issued but a non-compliance determiniation is made; or 5) A decision is make to proceed with RD as indicated by the obligation of RD funds, where a UAO has been considered not appropriate.

S/C-5 Number of Remedial Designs (RD) completed at NPL Sites.

An RD is complete when the plans and specifications and, in the case of a program lead-RD, a Fund-financed RA bid package for the selected remedy are developed.

Fund-Financed: For program lead RD projects, an RD completion is the date that EPA concurs on or approves and accepts the plans, specifications and RA bid package.

PRP-Financed: An RD is complete on the date that EPA concurs on or approves and accepts the plans and specifications. For PS-lead RDs, the RD is complete when the state concurs on or approves and accepts the plans and specifications.

Federal Facility: An RD is complete when the plans and specifications for the selected remedy have been developed. Credit is given when EPA approves the remedial design within the context of an IAG. For Fund and PRP financed RDs, the state should concur on the design prior to EPA concurrence or approval.

S/C-6 Number of Remedial Action Activities started through Award of Contract at NPL Sites.

Fund-Financed: Sites (as recorded in CERCLIS) where the EPA, a State, the COE or Bureau of Reclamation has awarded a contract to initiate Fund-financed Remedial Action.

PRP-Financed: Sites (as recorded in CERCLIS) where the PRP has begun substantial and continuous physical action, which is equivalent to an EPA contract award, or where the PRP has taken equivalent action with its own work force.

Federal Facility: Sites where the Federal entity has initiated on-site construction activities after October 16, 1986. Credit is given when substantial and continuous on-site work has begun at sites where EPA has concurred on the ROD and an IAG/FFA is in place. The date substantial and continuous on-site work begins must be recorded and documented in CERCLIS.

S/C-7 Number of Remedial Action activities completed at NPL Sites.

A RA is complete when construction activities are complete, a final inspection has been conducted, the remedy is operating as designed and an Operable Unit RA Report has been prepared. A final RA completion requires a Superfund Site Close-Out Report

which summarizes the site condition and construction activities and demonstrates the NCP criteria for deletion has been met. If the only activity remaining is performance monitoring or long term response, an Interim Superfund Site Close-out Report must be prepared. The date the Regional Administrator signs an Operable Unit RA Report is the accomplishment of the RA completion; a Site Close-out Report for the final operable unit is required for the final RA completion.

S/C-7a Type of Media Addressed. (Report measure quarterly.)

The type of media addressed reports the media established in the ROD that have been addressed through implementation of a Remedial Action. This measure applies to those RA activities that address the contamination of one or more media. Two areas determine the type of media addressed eligible for reporting. Media addressed for a permanent or interim remedy must be reported. A permanent remedy indicates all human health and the environmental goals for the media have been addressed and completed. Interim remedy is defined as a temporary or partial action that controls exposure or other wise temporarily protects human health and the environment. The site may need to be revisited for further clean up under the terms of an interim remedy. In reporting the interim remedy, the remedy, one should report whether the remedy is partial or complete with respect to that pathway. If the media do not completely address all of one pathway, the result is a partial remedy. Otherwise, the remedy is complete but may be interim or temporary. The type of media addressed should be reflected in the comment field of the STARS data base.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Superfund Enforcement

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Achieve and maintain maximum levels of clean-up through enforcement actions.	Administrative Orders Issued	S/E-1	Q1,2,3,4
	Report Administrative Orders (Unilateral and On Consent) signed and issued by the Agency within the quarter for Removal Actions, RI/FS, Cost Recovery, and RD/RA. This is for NPL and Non-NPL sites. Each order is counted once._/		
	(a) AOCs issued for removals, RI/FS, RD, or Cost Recovery.	(a)	
	(b) UAOs issued for removals and RI/FS.	(b)	
	(c) UAOs issued for RD/RA.	(c)*	
Achieve maximum levels of reimbursement of Trust Fund dollars expended in site clean-up.	Cost Recovery Referrals/Administrative Settlements Greater Than $200,000	S/E-2	Q1,2,3,4
	Target and report Section 107 civil referrals, with or without settlement, for amounts greater than or equal to $200,000._/		
	(a) Section 107 (only) referrals for Pre-Remedial actions.	(a)*	
	(b) Section 107 (only) referrals for Remedial actions including past costs.	(b)*	

_/ Definition at end of program measures.
* This measure requires Regional targets.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Superfund Enforcement

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Report Enforcement dollar amounts referred and settled.	Cost Recovery Amounts Referred and Settled	S/E-3	Q1,2,3,4
	Report the total amount of dollars resulting from referrals and settlements including consent decrees and administrative orders. _/		
	a) Value of past cost recovery referred to DOJ. b) Value of past costs in settlements.	(a) (b)	
Achieve maximum level of PRP participation for remedy implementation.	Section 106 or 106/107 Referrals or Settlements for RD/RA	S/E-4	Q1,2,3,4
	Target and report Section 106 or 106/107 civil referrals with or without settlement for remedial design/remedial action (RD/RA).		
	(a) Section 106 or 106/107 referrals without settlement. (b) Section 106 or 106/107 settlements (Consent Decrees, UAOs In Compliance).	(a)* (b)*	
	FEDERAL FACILITIES		
	Target and Report Inter-Agency Agreements (IAGs)	S/E-5*	Q1,2,3,4
	Credit is given for IAGs signed at NPL or proposed NPL sites for: RI, FS, RD, RA, or RD/RA only._/		
	_/ Definition at end of program measures. * This measure requires Regional targets.		

Superfund Enforcement Definitions

S/E-1 Administrative Orders

Credit is provided where a Section 106 or Section 122 administrative order (Unilateral and On Consent) has been signed by the Regional Administrator or designated official, and the completion date (C1717), compliance status (C1726), remedy code (C2731), and the settlement status flag (C1721), are entered in CERCLIS. Credit is given for each order issued. Excluded from this measure are Section 104(e) administrative orders for site access, and orders for operations and maintenance. AOCs and UAOs issued for removals, RI/FS, RD, and Cost Recovery are reporting measures (NPL and Non-NPL). UAOs issued for RD/RA are a targeted measure, and are not dependant upon compliance.

S/E-2 Cost Recovery Referrals Greater Than $200,000

Target: (a) Section 107 (only) referrals for pre-remedial action events (i.e. Removal, IRM, ERA, RI/FS, RD) valued at $200,000 or greater ; and, (b) Section 107 (only) referrals for remedial actions valued at $200,000 or greater. Targets are based on the number of sites addressed in the referral package and must include responses where there are a potential statute of limitations (SOL) problems and viable PRPs have been identified.
If a Region fails to refer a SOL site, it will be considered to have missed its target, even if it refers more cases than its target.

Credit is based on the Regional Administrator's signature date on the referral transmittal letter (as entered in CERCLIS) to the Office of Enforcement Compliance Monitoring (OECM), or the Department of Justice (DOJ).* Credit will be withdrawn if a case is returned to the Region by OECM or DOJ for additional work, but will be reinstated upon re-referral and will be based on the quarter of re-referral.

(a) Credit is given when a Region has referred a Section 107 (only) civil action, with or without settlement, to OECM or DOJ seeking reimbursement of past Trust Fund expenditures for Removal, ERA, IRM, RI/FS, or RD equal to or greater than $200,000. Should a Region reach an administrative settlement for a case where the amount recovered is greater than or equal to $200,000, which fully resolves all cost recovery for the operable unit, the Region will receive credit. Credit shall not be given for bankruptcy settlements.

(b) Credit is given when a Region has referred a Section 107 (only) civil action, with or without settlement, to OECM or DOJ seeking reimbursement of past

Trust Fund expenditures for a Remedial Action response, plus any previous Fund financed site work (i.e. Removals, ERAs, IRMs, RI/FS, RD) equal to or greater than $200,000. Should a Region reach an administrative settlement for a remedial action where the amount recovered is greater than or equal to $200,000 which fully resolves the operable unit, the Region will receive credit. Credit shall not be given for bankruptcy settlements. (Sites where the Potential Responsible Party (PRP) is conducting the RA, and no Fund monies will be used except for oversight, do not qualify for this target. Credit in these cases will be granted as a pre-remedial cost recovery action.

* Entry of following information in CERCLIS is required for credit: 1) date referred to DOJ/HQ (C1716), 2) cost recovery remedy type (C2731= VM,VO,VD,VS, or VA), 3) cost recovery financial type (C2903= F), 4) cost recovery financial amount (C2907), and 5) settlement status (C1721=F,P,S, or R).

S/E-3 Cost Recovery Amounts Referred and Settled

This is the sum of all cost recovery dollars referred and dollars settled. This includes: (a) the value (past costs) of Section 107 or Section 106/107 cases referred to DOJ; (b) the value (past costs) of Section 106/107, 107, or 122 settlements including Consent Decrees (upon referral to DOJ/HQ), administrative orders (upon execution of the last signature by EPA or the PRP), cash-outs, and administrative settlements. Excluded from this amount are bankruptcy settlements, and cost recovery of oversight expenditures billed - this is due to reporting limitations. Credit is given for the amount entered in CERCLIS. This is a reporting measure only.

S/E-4 Section 106 or 106/107 Referrals or Settlements for RD/RA

For targeting purposes, a) and b) are targeted separately. For measuring accomplishments against S/E-4 targets, the actual combined accomplishments of a) and b) will count against the combined target of a) and b) combined.

(a) This measure includes all Section 106 or Section 106/107 referrals for

RD/RA without settlement to Headquarters or to DOJ seeking injunctive relief. Referrals seeking preliminary relief or penalties do not count toward this target. Credit will be based on the referral date recorded in CERCLIS.

(b) This measure includes all Section 106 or Section 106/107 settlements for RD/RA (with a Consent Decree) referred to HQ or DOJ seeking judicial concurrence. Credit for Consent Decree settlements will be based on the referral date (RA signature date on the transmittal memo) to HQ or DOJ as entered in CERCLIS. This measure also includes Unilateral Administrative Orders (UAOs) for RD/RA where the PRP is in compliance with the UAO. Credit for UAOs in compliance is based on the milestone "Notice of Intent to Comply" date (C2801= NC) the order as entered in CERCLIS. Should the PRP become substantially in non-compliance with the UAO, credit will be withdrawn from this category and will only be reinstated when the PRP returns to compliance or will be counted in category (a) upon referral to DOJ or HQ.

FEDERAL FACILITIES

S/E-5 Inter-Agency Agreements Signed at NPL or Proposed NPL Federal Facilities for RI, FS,RD,RA or RD/RA only.

A site can only receive credit once under this measure.
Credit is given for the following when entered in CERCLIS, or reported to Federal Facilities:

- A signed Interagency Agreement for a RI/FS/RD/RA or RD/RA,
- Issuance of Section 3008(h) Corrective Action Order addressing all CERCLA releases **
- Referral of a Section 106 Administrative Order to DOJ for concurrence,
- Issuance of a RCRA permit addressing all releases and all CERCLA requirements, or **
- A formal referral has been made to AA-OSWER for dispute resolution. **

** Not currently tracked in CERCLIS

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Permitting and State Authorization
GOAL:

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Make final RCRA permit determinations.	Permitting Measures [Report the following for land disposal, incineration and storage and treatment]:		
	Public notice of draft RCRA permit issued._/	R/C-1a	Q 1,2,3,4
	Notice of intent to deny RCRA permit issued._/	R/C-1b	Q 1,2,3,4
	Notice of availability of closure plan issued._/	R/C-1c	Q 1,2,3,4
	RCRA operating permit final determinations.+_/	R/C-1d	Q 1,2,3,4
	Closure plan approved.*_/	R/C-1g	Q 1,2,3,4
	RCRA post-closure permit final determinations.#_/	R/C-1h	Q 1,2,3,4
	+This measure requires Regional target for storage and treatment facilities.		
	*This measure requires Regional target for incinerator and land disposal facilities.		
	#This measure requires Regional target for land disposal facilities.		
	_/ Definitions at end of program measures.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Permitting and State Authorization
GOAL:

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Modify permits to maximize extended capacity and protection of ground water and other environmental media.	Permit Modification Measures		
	Number of significant permit modifications issued year to date._/	R/C-2a	Q 1,2,3,4
	Number of significant permit modifications denied year to date._/	R/C-2b	Q 1,2,3,4
Make decisions on requests for waivers from regulations.	Waiver Requests		
	Number of waiver requests granted year to date._/	R/C-3a	Q 1,2,3,4
	Number of waiver requests denied year to date._/	R/C-3b	Q 1,2,3,4
Authorize States for base RCRA program and revisions to the program.	State Authorizations		
	State program authorizations granted year to date._/	R/C-4	Q 1,2,3,4
	_/ Definitions at end of program measures.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Permitting and State Authorization Definitions

R/C-1a Public notice of draft RCRA permit issued: The date the public notice of draft permits is issued.

R/C-1b Notice of intent to deny RCRA permit issued: The date the public notice of intent to deny permit is issued.

R/C-1c Notice of Closure Plan Availability Issued: The date the public notice of closure plan availability is issued.

R/C-1d RCRA Operating Permit Final Determinations: The date the RCRA operating permit reaches final determination (issued or denied).

R/C-1g Closure plan approved: The date the closure plan is approved.

R/C-1h RCRA post-closure permit final determinations: The date of the RCRA post-closure permit final determination.

R/C-2a & 2b Number of significant permit modifications year to date: Number of significant permit modifications issued or denied by EPA or authorized State year to date. Significant permit modifications include those that address the following: ground water (subpart F), HSWA corrective action, and expansion/new units.

R/C-3a & 3b Number of waiver requests year to date: Number of waiver requests granted or denied by EPA or authorized State year to date. Include waivers for the following: ACLs, double liner waivers, and/or tank secondary containment waivers.

R/C-4 State program authorizations granted year to date: Number of States receiving interim or final authorization for base program or program revisions during the fiscal year.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Subtitle D Measures
GOAL:

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Track progress of statutory requirements for Subtitle D.	States submitting applications for determination of adequacy under Section 4005 (c)._/	R/D-1a	Q 1,2,3,4
	Determinations of adequacy completed under Section 4005(c)._/	R/D-1b	Q 1,2,3,4
	Report on progress towards continued procurement of recycled paper in compliance with RCRA Section 6002 and 40 CFR Part 250 guidelines._/	R/D-1c	Q 1,2,3,4
	_/ Definitions at end of program measures.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Subtitle D Definitions

R/D-1a States submitting applications for determination of adequacy under Section 4005(c): Number of States submitting complete applications for determination of adequacy.

R/D-1b Determination of adequacy completed under Section 4005(c): Number of determinations Region publishes in the Federal Register; report number of determinations by adequate and inadequate.

R/D-1c Report on progress towards continued procurement of recycled paper in compliance with RCRA Section 6002 and 40 CFR Part 250 guidelines: Report when procurement implementation plan developed; report when major milestones are met.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Enforcement
GOAL: To ensure compliance monitoring and enforcement

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Improved compliance of hazardous waste handling with RCRA requirements.	Inspections		
	Target and report, year-to-date, the number of Land Disposal facilities that have received an inspection in FY 91. (Combined EPA/State target).	R/E-1a	Q 1,2,3,4
	Target and report, year-to-date, the number of treatment or storage facilities, other than land disposal facilities, that have received an inspection in FY 91. (Combined EPA/State target).	R/E-1b	Q 1,2,3,4
	Target and report, year-to-date, the number of Federal, State and local government TSDs (including Land Disposal) that received an inspection in FY 91. (Combined EPA/State target).	R/E-1c	Q 1,2,3,4
Ensure that timely and appropriate Enforcement action is taken against SNC's.	Significant Noncompliance		
	Report the number of SNCs (all handlers that are High Priority Violators) at this point in time.	R/E-2a	Q 1,2,3,4
	Of the SNC's in R/E-2(a), report the number of handlers that have been addressed by a formal enforcement action, but have not returned to physical compliance.	R/E-2b	Q 1,2,3,4

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Enforcement
GOAL: To ensure compliance monitoring and enforcement

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Ensure that SNCs return to full physical compliance	Of the SNCs in R/E-2a, report the number of handlers that have not had a formal enforcement action (to resolve all violations causing the facility to be in SNC) within 135 days of the inspection.	R/E-2c	Q 1,2,3,4
	Of the SNCs in existence as of October 1, 1990, report the number of handlers that have returned to compliance without formal enforcement action.	R/E-2d	Q 1,2,3,4
	Return to Compliance		
	Report the number of SNCs that were out of compliance on October 1, 1990 as a result of an inspection conducted prior to October 1, 1988.	R/E-3a	Q 1,2,3,4
	Report the number of SNCs in R/E-3a that have returned to compliance with all violations which caused them to be in SNC.	R/E-3b	Q 1,2,3,4
	Report the number of SNCs in R/E-3a that are currently undergoing legal proceedings (i.e. ALJ/CJO hearings and appeals, judicial actions) which are necessary to achieve final formal requirements for returning to compliance.	R/E-3c	Q 1,2,3,4
	Report the number of SNCs in R/E-3a that have had formal **final** enforcement action and, therefore, are on a compliance schedule.	R/E-3d	Q 1,2,3,4
	Report the number of SNCs in R/E-3d that are in compliance with their compliance schedules.	R/E-3e	Q 1,2,3,4

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Enforcement
GOAL: To ensure compliance monitoring and enforcement

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
To provide a measure of enforcement activity across all media.	**Federal Facilities - Snapshot**		
	Report the number of Federally owned or operated TSD facilities that are in SNC at this point-in-time.	R/E-4a	Q 1,2,3,4
	Report the number of Federal TSD facilities in SNC which have been addressed with one or more appropriate initial enforcement action(s) for all SNC violations, but have not returned to compliance.	R/E-4b	Q 1,2,3,4
	Report the number of Federal TSD facilities in SNC which have not had a formal enforcement action (to resolve all violations causing the facility to be in SNC) within 135 days of the inspection.	R/E-4c	Q 1,2,3,4
	For those Federal facilities where EPA has the enforcement lead, report the number of facilities where the final EPA Regional action has been completed within 120 days of the initial action addressing all violations causing the facility to in SNC.	R/E-4d	Q 1,2,3,4
	Enforcement Actions		
	Report the number of formal administrative enforcement actions issued, year-to-date, not including Sections 3008(h), 3013 and 7003. (Report EPA and State separately).	R/E-5a	Q 1,2,3,4

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: RCRA Enforcement
GOAL: To ensure compliance monitoring and enforcement

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
	Report the number of formal administrative enforcement actions issued, year-to-date, including Sections 3008(h), 3013 and 7003. (Report EPA and State separately).	R/E-5b	Q 1,2,3,4
	Report the number of State civil and criminal cases filed against Subtitle C handlers.	R/E-5c	Q 1,2,3,4

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1991
RCRA Enforcement Definitions

R/E-1(a) Inspections: In FY 91, inspection requirements for Land Disposal Facilities will be modified to allow greater flexibility in setting targets. Those operating, permitted, or closing land disposal facilities (except Underground Injection Control (UIC) facilities) that have no outstanding Class I violations as of July 1, 1990, that are not Federal, State or local facilities and received an inspection during FY 90 are not required to be inspected during FY 91. LDFs not inspected in FY 91 must be inspected the following year. Closed LDFs must be inspected at least every other year, except those clean-closed by removal. Federal, State and local (FSLs) LDFs must receive annual inspections. This measure is intended to evaluate whether these facilities have been addressed with a full compliance inspection under RCRA Sections 3007(c), (d), and (e). Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-1(b) Inspections: All Treatment and Storage Facilities (TSFs) owned/operated by Federal/State/local entities, and all incinerators must be inspected in FY 1991. In addition, inspections must be conducted at TSFs not inspected in FY 90. Inspections to be counted are Compliance Evaluation Inspections (CEIs).

R/E-1(c) Federal, State and local TSDs: These numbers are a subset of the numbers targeted and reported in (a) and (b). Thus Federal, State and local facilities are counted both in (c) and in (a) or (b). State inspections of State and local facilities will not be counted toward this target.

R/E-2(a) In this measure, SNCs are all handlers which include Treatment, Storage, Disposal Facilities as well as Transporters, Generators and Non-Notifiers that are High Priority Violators and are identified during FY 91. Note: Included are those facilities that are designated HPVs because of Land Disposal restriction violations.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1991
RCRA Enforcement Definitions

R/E-2(b) Formal enforcement actions include Section 3008(a) complaints, or equivalent State orders, as well as referrals for judicial action (including criminal) made to the Department of Justice (DOJ), State Attorney General (AG), or other appropriate official. Both administrative orders and judicial referrals will count as a formal enforcement action addressing an HPV SNC.

R/E-3(a) SNCs that have not returned to compliance (i.e., in HWDMS, there is no "actual compliance date") as of October 1, 1990 as a result of an inspection that was conducted prior to October 1, 1988 should be reported in this measure. This number will be recalculated on a quarterly basis using the same cut-off dates of 10/1/88 and 10/1/90.

R/E-3(c) Report the number of SNCs that are currently undergoing legal proceedings such as Administrative Law Judge/Chief Judicial Officer hearings and appeals, or judicial actions which are necessary to achieve final formal requirements for the SNC to return to compliance. Also to be reported in this measure are the number of SNCs that are currently involved in bankruptcy proceedings. SNCs that are currently undergoing ALJ/CJO or bankruptcy proceedings will be flagged in HWDMS. This measure does not include those SNCs where a Consent Order is under negotiation. Information on Consent Orders under negotiation can be deduced from the information gathered in measures R/E-3(b) and R/E-3(d).

R/E-3(d) SNCs that have had formal final action should have a compliance schedule incorporated into the Order. The measure is intended to report the number of SNCs that are on a compliance schedule.

R/E-4(a) SNCs identified during FY 91 will be those Federal facilities that are classified HPVs according to the revised ERP.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FY 1991
RCRA Enforcement Definitions

R/E-4(b) Appropriate Enforcement action for a State is a formal Enforcement response as defined under R/E-2(b). Appropriate enforcement response for EPA is a Notice of Non-compliance to the Federal agency or a 3008(a) complaint to the contract operator of a government owned facility.

R/E-4(d) Final regional action is a Federal Facility Compliance Agreement (FFCA); or a referral of the outstanding compliance issues to the AA, OSWER for resolution in accordance with the March 24, 1988 Elevation Policy; or a final order with the contract operator of a governement owned facility; or a formal regional determination that the facility returned to compliance within 90 days of issuance of the Notice of Noncompliance, and therefore, the FFCA or elevation of unresolved compliance issues is not required.

R/E-5(a) and (b) The number of formal administrative enforcement actions issued to all handlers will be counted in this measure.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Corrective Action

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Ensure that TSD facilities with releases take appropriate corrective action under either the permitting or enforcement programs.	Stage I: Information Collection and Study - Targets for this Stage count the movement of facilities into the information collection and study type activities of the corrective action process. Progress toward this target is calculated using CARS data for the following activities: RFI Workplan Approved and RFI Completed.	R/J-1*	Q 2,4
	Stage II: Remedy Development and Selection - Targets for this Stage count the movement of facilities into the remedy development and selection type activities of the corrective action process. Progress toward this target is calculated using CARS data for the following activities: CMS Workplan Approved, CMS Completed, Corrective Action Remedy Selected, and Corrective Measures Design Approved.	R/J-2*	Q 2,4
	Stage III: Remedy Implementation - Targets for this Stage count the movement of facilities into the remedy implementation type activities of the corrective action process. Progress toward this target is calculated using CARS data for the following activities: CMI Workplan Approved and CMI Completed.	R/J-3*	Q 2,4
	* Indicates a measure for which Regional targets will be negotiated.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Corrective Action

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Ensure that TSD facilities with releases take appropriate corrective action under either the permitting or enforcement programs.	Interim Measures Required	R/J-4	Q 1,2,3,4
	* Indicates a measure for which Regional targets will be negotiated.		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Corrective Action Definitions

R/J-1* Stage I: Information Collection and Study. Consider the following activities to be part of this Stage of the corrective action process: RFI Workplan Approved, RFI Completed. This measure will count the number of facilities which have moved into this Stage for the first time. For example - a facility which has completed an RFA in Q1 and has approved a RFI Workplan in Q2 should be counted toward the Q2 target. However, a facility which began the year at the RFI Workplan Approved step and has completed an RFI in Q2 would not count toward the Q2 target, because this is movement within this Stage of the process, not movement into a new stage of the corrective action process.

R/J-2* Stage II: Remedy Development and Selection. Consider the following activities to be part of this Stage of the corrective action process: CMS Workplan Approved, CMS Completed, Remedy Selected, Corrective Measures Design Approved. Count the number of facilities which have moved into this Stage of the process for the first time. For example, a facility which has completed an RFI in Q1 and has had a CMS Workplan approved in Q2 would count toward the target. However, a facility which began the year at the CMS Workplan Approved step and has completed the CMS in Q4, would not count toward the target, because this is movement within this Stage of the proces, not movement into a new stage of the process.

R/J-3* Stage III: Remedy Implementation. Consider the following activities to be part of this Stage of the corrective action process: Corrective Measures Implementation Workplan Approved, Corrective Measures Implementation Completed. The number of facilities which have moved into this Stage of the corrective action process for the first time will be counted. For example, a facility which has a corrective measures design approved in Q1 and then has a CMI workplan approved in Q2 would count toward the target. However, a facility which began the year with a CMI Workplan Approved and completed the CMI in Q4 would not count towards the target, because this is movement within this Stage of the process, not into a new stage.

R/J-4 **Interim Measures Required.** This measure is a count of the number of facilities at which Interim Measures are required. The CARS Interim Measures Required data element will be used to create this count. The event which currently qualifies in CARS as requiring interim measures is: the date the director signs the final order, permit or permit modification which requires the facility to undertake interim measures to remove, abate, or contain identified releases from the facility.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Chemical Emergency Preparedness and Prevention Office
GOAL: To prevent accidential chemical releases and to minimize the consequences should they occur.

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
To improve state/local chemical emergency preparedness and enhance their response capability.	Report and describe technical assistance and training activities which EPA conducted, sponsored, developed, assisted in developing, participated in, or presented.	CEP-1*	Q 1,2,3,4
	Report on number of State or local exercises or after incident evaluations in which EPA conducted, sponsored, assisted in developing or participated.	CEP-2*	Q 1,2,3,4
Develop the foundation for Regional chemical accident prevention program which will minimize the magnitude of chemical releases and enhance safety practices and procedures.	Report number of Accidental Release Information Program (ARIP) questionnaires sent to and returned by facilities having releases.	CEP-3	Q 1,2,3,4
	Report on number of chemical safety audits conducted.	CEP-4*	Q 1,2,3,4
	* STAR measure which requires Regional target		

Office of Solid Waste and Emergency Response
FY 1991
CEPP Definitions

SIMULATION EXERCISES are table-top, full field, or functional exercises conducted to test or evaluate a contingency plan. Regions are expected to provide technical or programmatic assistance to States or communities to develop the exercise and/or to actively participate in the exercises (e.g., exercise leader, evaluator, facilitator). Exercise development should include EPA involvement throughout the planning process for the exercise. Providing a copy of guidance material does not constitute fulfillment of this requirement. The Region must write a post-exercise report describing the assistance provided and/or participation in the exercise and the outcome of the exercise. This report should be held in the Regional Office and made available for Regional Reviews. Regional assistance or participation in testing an internal EPA plan will not count towards meeting this measure. After incident evaluations are EPA and local or EPA, State and local analyses of the preparedness and response capabilities of a local community for a chemical accident. To meet this measure, Regions should conduct the analyses with local or with State and local community involvement.

TECHNICAL ASSISTANCE is the provision of expertise to improve preparedness capabilities and to stimulate initiatives taken by SERCs, LEPCs and labor, environmental, trade and professional organizations to prevent accidental releases of chemicals. It includes both programmatic and scientific assistance. This assistance might be delivered through direct consultation (in the field with the recipient), workshops, or other means. It does not include formal training courses or the provision of equipment.

This assistance includes, but is not limited to:

- Assistance in organizing, developing, and implementing preparedness, prevention, or community right-to-know programs and activities;
- Assistance in organizing and conducting CEPP-related workshops;
- Assistance in development and review of emergency plans (including hazards analysis);
- Assistance in information management or risk communication;

Office of Solid Waste and Emergency Response
FY 1991
CEPP Definitions

- Assistance in development of haz-mat teams;
- Assistance in dispersion modeling and air-monitoring;
- Assistance in evaluation or installation of alarm/alerting systems;
- Assistance in developing and conducting projects for enhancing chemical process safety;
- Assistance in projects which increase the integration of preparedness efforts and response activities such as participation in a multi-party local planning/response team, such as EPA, Coast Guard and local industry;
- Assistance in projects which enhance capabilities of SERCs/LEPCs which are not fully functioning such as a review of an LEPC, followed by the assistance described above.

TRAINING ACTIVITIES are formal educational presentations using instructional materials and techniques or exercises such as table-top or field simulations. In-house EPA training for EPA employees or EPA contractors will not count towards meeting this measure. In order to meet this measure, EPA must have developed and/or presented the training activity. The term "EPA" refers to the CEPP office.

ACCIDENTAL RELEASE INFORMATION PROGRAM is designed to accomplish two basic objectives:

a) To focus high-level management attention on facilities having repeated or "serious" releases, which may stimulate them to undertake prevention initiatives on their own; and

b) To provide EPA with accurate information on the causes of releases and the activities currently underway in the private sector to prevent them from occurring.

Office of Solid Waste and Emergency Response
FY 1991
CEPP Definitions

TRIGGERED RELEASES

ARIP is focusing on releases which are "serious." Currently, the criteria or triggers being utilized to identify "serious" releases are:

- Starting with the fourth release and ending with the tenth release in a twelve-month period.
- A release greater than 1,000 lbs. for hazardous substances having RQs = 1, 10, or 100 lbs. - or a release of 10,000 lbs. for hazardous substances having RQs = 1,000 or 5,000 lbs.
- Any release resulting in death, injury, or severe environmental damage.
- A release of an extremely hazardous substance above the RQ.

LETTERS/QUESTIONNAIRES

Once a facility has met a trigger, the Region is required to draft a letter combining the authorities of CERCLA, SARA, CAA, CWA, & RCRA, send it to the plant manager, along with the questionnaire EPA has developed. A copy of the response must be sent to Headquarters.

ON SITE CHEMICAL AUDIT is an on-site inspection of the entire process/handling operations at a site from a safety standpoint. It is an audit of safety procedures, facility equipment, training and contingency planning, as well as management commitment.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: CERCLA/TITLE III ENFORCEMENT
GOAL: Increase compliance with TITLE III and CERCLA §103

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Achieve and maintain a high level compliance with Title III sections 302, 303, 304, 311, and 312 and CERCLA section 103.	Inspections and Investigations Report the number of: a) investigations of possible violations of CERCLA §103 and Title III §304*. b) facility compliance investigations for Title III sections 302, 303, 311, and 312*.	C/E-1	Q1,2,3,4 by State
	Violations Report the number of: a) violations of Title III §304 and CERCLA §103 identified. b) violations of Title III sections 302, 303, 311, and 312.	C/E-2	Q1,2,3,4 by State
	Enforcement Actions Report the number of: a) EPA Complaints, Administrative Orders and Judicial referrals issued*. b) State Orders.	C/E-3	Q1,2,3,4 by State

* To be targeted.

Office Of Solid Waste and Emergency Response
FY 1991
CERCLA/TITLE III Enforcement Definitions

Investigation means any follow-up inquiries, such as information request letters, on-site reviews or inspections to verify a facility's compliance with Title III and CERCLA Section 103 and which could produce evidence upon which a complaint could be based. A phone call will generally not be considered an investigation.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
Program Area: Underground Storage Tanks
GOAL: Regulate underground storage tanks

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Support development of, and review and decide on, UST state program applications, in order to both encourage state-run programs and ensure adequate national consistency.	State Program Approval (UST-1)		
	Report on the following by Region:	UST-1(a)	Q1,2,3,4 by Region
	Number of states submitting complete applications for state program approval.	UST-1(b)	Q1,2,3,4 by Region
	Number of states with authorized programs.		
Promote the cleanup of pollution resulting from leaking underground storage tanks.	Cleanup Leaking USTs (UST-2)		
	Report on the following by Region:		
	Number of site cleanups for petroleum releases initiated, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money).	UST-2(a)	Q1,2,3,4 by Region
	Number of petroleum releases under control, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money).	UST-2(b)	Q1,2,3,4 by Region
	Number of site cleanups for petroleum releases completed, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money).	UST-2(c)	Q1,2,3,4 by Region

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 1991
UST PROGRAM DEFINITIONS

UST-1: STATE PROGRAM APPROVAL

(1)(a) Number of states submitting complete applications for state program approval: means that the state has submitted an application for program approval and that the Region has determined that the application is "complete" in accordance with the application components required by the regulations. Information reported should indicate whether the state application is for a partial program (either petroleum or chemical USTs) or a complete program (both petroleum and chemical USTs). Quarters 2, 3, and 4 are reported cumulatively.

(1)(b) Number of states with authorized programs: means that the state program has been approved by the Regional Administrator according to the regulations to operate in lieu of the federal program. This measure includes interim authorizations. Information reported should indicate whether the state programs authorization is for a partial program (either petroleum or chemical USTs) or a complete program (both petroleum and chemical USTs). Quarters 2, 3, & 4 are reported cumulatively.

UST-2: CLEANUP LEAKING USTs

(2)(a) Number of site cleanups for petroleum releases initiated, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money): means the total number or specific sites at which the state or responsible party under its supervision has initiated management of petroleum-contaminated soil, OR removal of free petroleum product, OR management or treatment of dissolved petroleum contamination caused by a release from an UST. Site investigations and emergency responses do not qualify as cleanup actions. Report responsible-party lead, state lead with Trust Fund money, and state lead with no Trust Fund money cleanups separately. This measure includes all cleanups initiated by a state, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only state funds. (This is a cumulative measure. The number in the first quarter of FY 1991 should include those sites with actions initiated in FY 1987, FY 1988, FY 1989 and FY 1990.)

(2)(b) Number of petroleum releases under control, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money): means the total number of petroleum releases from an UST at which the state or responsible party under state supervision has performed ALL of the following tasks: 1) stopping the flow of free product into the environment; 2) mitigating any fire and safety hazards (e.g., abating dangerous levels of fumes in basements of homes and other effected buildings); 3) managing contaminated soils as directed by the state; 4) determining the presence of free product floating on the water table and beginning removal of it according to a plan submitted to the state; and 5) determining whether drinking water supplies are contaminated and assuring that alternative supplies of portable water are available when the state determines that the water supplies should not be used. Report responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money cleanups separately. This measure includes all releases under control by a state, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only state funds. (This is a cumulative measure. The number in the first quarter of FY 1991 should include those sites with action completed in FY 1987, FY 1988, FY 1989, and FY 1990.

(2)(c) Number of site cleanups for petroleum releases completed, by either responsible parties or states (Report separately for responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money): means that the total number of specific sites of a petroleum release from an UST at which the state has determined that no further cleanup actions are necessary at the site. Report responsible party lead, state lead with Trust Fund money, and state lead with no Trust Fund money cleanups separately. This measure includes all cleanups completed by a state, whether involving federal funds under a LUST Trust Fund cooperative agreement or involving only state funds. (This is a cumulative measure. The number in the first quarter of FY 1991 should include those site with cleanups completed prior to FY 1991.)

OFFICE OF PESTICIDES AND TOXICS SUBSTANCES

STRATEGIC TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

FY 1991 MEASURES AND DEFINITIONS

NOTE: OPTS is currently working with the Regions to review the STARS Measures. OPTS expects to have final measures by target-setting time.

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OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program: Pesticides

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Protect health and the environment from any unreasonable effects from pesticides currently in use.	Establishment of comprehensive data requirements in data call ins.	P-1	Q 1,2,3,4
Restrict or ban the use of pesticides posing unreasonable effects to human health and the environment.	Publication of reregistration eligibility documents or "other appropriate regulatory actions".	P-2	Q 1,2,3,4
	Product specific reregistration (A determination that a pesticide meets the requirements of section 3(c)(5).) [This step doesn't take place until up to 17 months after the determination of eligibility for reregistration therefore a target has not been established for FY90.]	P-3	Q 1,2,3,4
	Complete Special Review Decisions.	P-4	Q 1,2,3,4

DRAFT

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

DRAFT

Program: Toxic Substances (Headquarter Measures)

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Review all new chemicals, imposing controls as necessary to reduce risk	Report on the number of valid new chemical notices received and actions taken to reduce risk. Annual estimate is _ PMNs received (including biotech and exemptions) and control actions anticipated.	T-1	Q 1,2,3,4
Identify potential risk of suspect chemicals	Report quarterly on reports received under Section 4, 5(e), 8(a), 8(d), and 8(e).	T-2	Q 1,2,3,4
Initiate and promulgate actions to reduce the risks from hazardous existing chemicals	Complete ___ existing chemicals risk management actions (includes Section 6 rules, options selection, SNURs, and Section 9(a) and 9(d) referrals)	T-3	Q 1,2,3,4
Make the TRI data base accessible to facilitate public access and use	Measure cumulative public use of the National Library of Medicine (NLM) database (i.e., hours of use). Report quarterly on number of TRI projects sold by NTIS/GPO; and number of assistance at the Title III Reporting Center.	T-4	Q 1,2,3,4
Evaluate quality of release estimates provided by industry and identify areas where additional guidance or procedures are needed	Perform detailed, on-site audits of randomly selected reporting facilities to validate reported figures.	T-5	Q 3,4

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

DRAFT

Program: Toxic Substances (Regional Measures)

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Protect public health and the environment by ensuring, through the States, that properly trained and accredited professionals are available to counsel school officials and other building managers how to best control or eliminate asbestos hazards in buildings	Report on the number of approved State or Territory Asbestos Accreditation Programs per discipline. Provide progress reports on States or Territories that have established programs in any of the disciplines.	T-9	Q 1,2,3,4 by Regions
Protect public health and the environment by ensuring the quality of asbestos accreditation course, which train asbestos management and abatement professionals for the nation's schools and other buildings	Report on the number of audits performed for full approval of asbestos training courses previously granted contingent approval. Provide fourth quarter exception reports explaining why courses in the universe were not audited for full approval. Report on the number of Refresher courses audited.	T-10	Q 1,2,3,4 by Regions (cumulative)
Assess State PCB Program enhancement progress and activities	Provide report on each State in the Region describing current State PCB programs.	T-11	Q 2 by Regions

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OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Pesticide Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	<u>Significant Violator - State Primacy</u> (Dynamic Base)* For referrals under Section 27 designated as significant in accordance with the procedures set forth in 40 CFR 173 (procedures governing referrals), specify on a cumulative basis: o total number of referrals o number of referrals pending (timeframe not elapsed) o number of referrals addressed within timeframe o number of referrals addressed beyond timeframe <u>Significant Violator - EPA</u> (Dynamic Base)* For significant use cases and suspension/cancellation actions referred from States to Regions or based on EPA inspections, report on a cumulative basis: o total number of cases referred/identified o number of cases addressed o number of cases closed *See "Definitions."	P/E - 3	Q 1,2,3,4

DRAFT DRAFT

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	Significant Noncompliance - Dynamic Base* (new cases) For FY 1990 SNC cases, resulting from reviews of FY 1990 inspections, specify on a cumulative basis: o number of SNC cases identified o number of SNC cases opened:** - in 0 to 180 days of inspection date - in 181 or more days of inspection date o number of SNC cases closed	T/E - 4	Q 1,2,3,4
Achieve and maintain a high level of compliance in Federal Facilities	Federal Facilities Specify separate data on Federal Facilities for T/E-1, T/E-3 and T/E-4, as a subset of totals.	T/E - 5	Q 1,2,3,4

* See "Definitions."
** Regional targets will be required for certain cases under this measure. See "Definitions."

DRAFT DRAFT

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Emergency Planning/Community Right-to-Know

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	Inspections and Compliance Rates o Specify the cumulative number of EPA inspections conducted* o Specify the number of inspections for which case review is completed o Specify the number of inspections found in violation	E/E - 1	Q 1,2,3,4
	Enforcement Actions Specify on a cumulative basis: o number of administrative complaints issued o number of civil and criminal referrals (retrieved from OECM Docket)	E/E - 2	Q 1,2,3,4
	Significant Noncompliance Fixed Base** (Pre-FY 1990 open cases) Identify the number of significant noncomplier cases pending** issuance of enforcement action and the number issued and still open** at the beginning of FY 1990. Each quarter, report on the status of this BOY inventory: o number of pending cases issued o number of cases closed * This measure requires quarterly targets. ** See "Definitions."	E/E - 3	Q 1,2,3,4

OFFICE OF ENFORCEMENT AND COMPLIANCE MONITORING

STRATEGIC TARGETED ACTIVITIES FOR RESULTS SYSTEM (STARS)

FY 1991 MEASURES AND DEFINITIONS

OFFICE OF ENFORCEMENT
FY 1991
Program: Federal Activities

OBJECTIVE	MEASURE	STARS CODE	FREQUENCY
Federal Facilities Compliance Program			
Achieve and maintain high rates of compliance at Federal facilities through the A-106 pollution abatement planning process.	Report the number of additional needed or amended Class I projects identified as a result of reported violations/enforcement actions during last quarterly Current Compliance Check that require a new needed A-106 project to correct problem	OFA/E-1	Q1,2,3,4 By Region
	Report the number of additional needed or amended A-106 project recommendations proposed to Federal installations by each media program	OFA/E-2	Q1,2,3,4 By Region
	Report the number of A-106 recommendations that have been adequately addressed through valid responses from Federal agencies	OFA/E-3	Q1,2,3,4 By Region
Achieve and maintain a high rate of compliance of Federal facilities through a comprehensive inspection and enforcement program.	For each media program, report: a. the FFID numbers and names of Federal facilities inspected during the quarter, with dates of inspections; b. violation status of each inspected facility; and c. date and type of enforcement action (with quarterly updates).	OFA/E-4	Q1,2,3,4 By Region by media

OFFICE OF ENFORCEMENT
FY 1991
PROGRAM: FEDERAL ACTIVITIES
STARS DEFINITIONS

Current Compliance Check: Each quarter, all EPA or State enforcement actions are examined by the EPA regions to determine if the problems identified require a new needed A-106 project to be added to a Federal agency's current A-106 environmental plan or if an existing project already in a plan should be amended. If the region believes such changes should be made, a project recommendation form should be completed and forwarded to the affected Federal facility and a copy to OE Federal Facilities at EPA headquarters.

Valid Response: A Federal agency has responded to EPA in writing to each project recommendation in one of the following ways: 1) the Federal agency agrees with the recommendation and adds a new project to their A-106 environmental plan, 2) they agree with the recommendation and inform EPA in writing that the problem is being handled through one or more existing projects already in the agency plan and identify which project will correct the problem, or 3) they disagree that a new project is needed and state the reasons why to EPA in writing and the reasons are accepted as valid by EPA and no further action is taken.

Violation Rates: Those Federal facilities which have been inspected by EPA or States and have identified or self-reported violations. Also identified is whether the violating facility has subsequently received a written EPA or State formal enforcement action (e.g. consent order or compliance agreement) or an informal enforcement response (e.g. warning letter or notice of violation).