
Federal Facilities Enforcement & Compliance Accomplishments Report FY 2002



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This document was prepared by EPA's Federal Facilities Enforcement Office (FFEO) in the Office of Enforcement and Compliance Assurance (OECA).

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This document, as well as additional information on EPA's compliance and enforcement programs, can be found at www.epa.gov/compliance/civil/federal/crossmedia.html

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Introduction

Federal facilities, like all other regulated facilities, are responsible for complying with environmental requirements, and federal agencies, like private organizations, are accountable to the public for their general environmental stewardship. The Federal Facilities Enforcement Office (FFEO) of the Office of Enforcement and Compliance Assurance (OECA) in the U.S. Environmental Protection Agency (EPA) and the 10 EPA Regional offices work with federal agencies to help them comply with environmental requirements and take all necessary actions to prevent, control, and abate environmental pollution. EPA assists federal facilities in complying with environmental requirements and preventing pollution, and takes enforcement actions against those that do not comply. It is EPA's goal that all federal agencies reach a level of compliance with environmental requirements that equals or surpasses the rest of the regulated community. To accomplish this goal, EPA's Federal Facility Enforcement and Compliance Program focuses on federal facilities and develops multi-media enforcement and assistance programs to improve compliance and prevent pollution.

FFEO participates in enforcement negotiations, oversees compliance assistance and enforcement activities undertaken by EPA regional offices, and is responsible for resolving enforcement disputes between EPA and other agencies. Each EPA region has a designated Federal Facilities Program Manager (FFPM), who, in conjunction with other EPA regional staff, is responsible for coordinating the implementation of EPA's federal facilities policies and programs at the regional level. They serve as the primary regional point of contact for facility environmental managers. FFEO works closely with regional FFPMs. Their responsibilities include giving program assistance and training for federal facilities; informing federal facilities about current environmental issues and developments; managing, tracking, overseeing, and planning compliance activities; encouraging pollution prevention; and coordinating with the region's media program staff to implement federal facilities enforcement programs.

In FY 2002, federal facilities were given on-line access to EPA's Integrated Database for Environmental Enforcement (IDEA) for the first time as FFEO launched the new *On-line Environmental Compliance Status Report (ECSR)*. In addition, EPA and the Veterans Health Administration (VHA) established a cooperative partnership in which EPA will conduct Environmental Management Reviews (EMRs) at 17 VHA medical centers across the nation. FFEO continued to chair the Executive Order 13148 Interagency Environmental Leadership Workgroup in an effort to encourage and support federal agency implementation of the executive order, and EPA took 25 enforcement actions against federal facilities. These efforts, when combined with compliance assistance, regulation and policy, and regulatory reinvention activities, strengthened the Federal Facilities Enforcement and Compliance Program and provided a strong foundation for achieving EPA's mission.

Sources and Suitability of Environmental Information. Information on compliance assistance activities conducted by the EPA regions as outlined in Chapter 3 was obtained from the Reporting

Compliance Assistance Tracking System (RCATS) – EPA’s database for tracking and reporting compliance assistance activities. The database was developed to make reporting of compliance assistance activities easier and more consistent across EPA offices and was developed for EPA staff who provide assistance or who are responsible for reporting assistance activities. FFEO also consulted with EPA regional FFPMs about the information in RCATS to ensure the regional compliance assistance activities in this report is accurate.

The information about FY 2002 enforcement actions taken against federal facilities in Chapter 4 was obtained from EPA’s Integrated Compliance Information System (ICIS) database – the database that supports EPA’s judicial and administrative enforcement program. Enforcement data was also obtained from EPA’s Integrated Data for Enforcement Analysis (IDEA). Both IDEA and ICIS databases are accessible to registered users in EPA offices and across the federal government. FFEO consulted with both headquarters and regional staff about the enforcement information obtained from the IDEA and ICIS to ensure its accuracy.

Other data in this report is qualitative in nature and was provided by both FFEO staff and Regional FFPMs who are responsible for monitoring compliance by federal facilities with environmental requirements and for coordinating and implementing EPA’s federal facilities compliance and enforcement programs.

1. New Developments for FY 2002

On-line Environmental Compliance Status Reports

In 2002, EPA's Federal Facility Enforcement Office concluded the testing and development of the new On-line Environmental Compliance Status Reports (ECSR) for federal facilities (See www.epa.gov/idea/fedfac). FFEO released a pilot version for federal agencies in November 2002.

The On-line ECSR is Windows based and allows inspectors and other government users to obtain both summary and detailed multi-media compliance and enforcement information about individual federal facilities (e.g., military bases, federal government research laboratories). The On-line ECSR reports regulatory activities occurring at nearly 8,000 specific installations belonging to over 30 different federal agencies, bureaus and operating units for each quarter of the fiscal year.

The on-line reports are accessible to everyone in EPA, state regulatory agencies and other parts of the federal community and lets users obtain compliance and enforcement information about federal facilities contained in EPA program databases. Reports are provided for the Resource Conservation and Recovery Act, Clean Water Act and Clean Air Act. Users can conduct an on-line customized query and search for facilities by federal agency, EPA region, and state. Search results include facility characteristics, permits, inspection and compliance history (e.g, significant noncompliance status, inspections conducted by EPA and states, quarters in noncompliance, etc.), and formal enforcement actions and penalties issued by EPA or states.

Inspectors and other government users can access up to five years of detailed information on a facility. The On-line ECSR also features a "Data Error" reporting feature that allows users to report data discrepancies directly to EPA and the states. In order to use the federal agency online report feature, users have to register. Registration instructions are at: www.epa.gov/idea/otis/register.

Executive Order 13148 Interagency Environmental Leadership Workgroup

The Federal Facilities Enforcement Office chairs the Executive Order 13148 Interagency Environmental Leadership Workgroup. The Workgroup is charged with supporting federal agency implementation of the E.O. through development of guidance and appropriate policy documents. In 2002, the Interagency Workgroup successfully completed several assistance documents including a background primer on Environmental Management System (EMS) implementation at federal facilities and a brochure on how EMSs should be incorporated into federal agency budget processes. The Workgroup also developed guidance for agency metrics for EMS development and implementation and draft guidance for EMS self-declarations by federal facilities. FFEO provided assistance and input into each of these documents and managed the distribution of the documents to senior managers and Agency Environmental Executives across the Federal government. Further, in coordination with the Workgroup, FFEO had the lead for development of the annual reporting guidance for calendar year (CY) 2002 annual reports submitted under the E.O. and provided information to the Federal Environmental Executive (FEE) on progress under the E.O. for inclusion

into the FEE report to the President on federal progress in meeting various Executive Orders.

2. Compliance Assurance

Multi-Media Inspections at Federal Facilities

One of the principal ways EPA and our state and tribal partners determine that regulated entities comply with environmental requirements is through on-site inspections. For several years, EPA's federal facilities compliance programs have advocated multi-statute inspections (commonly referred to as multi-media inspections). Such inspections go beyond one media (such as air, water or hazardous waste) and look more broadly into a facility's operation and its regulatory compliance. In FY 2002, FFEO augmented regional inspections with contract support for multi-media inspections of federal facilities.

A nationwide total of 19 multi-media inspections were performed at federal facilities during FY 2002. State inspectors participated in 14 of the inspections. In accordance with OECA's Memorandum of Agreement (MOA) guidance, a multi-media inspection consists of (1) a CAA, CWA or RCRA inspection plus at least one additional media inspection at the same facility or (2) some combination of two or more CAA, CWA or RCRA inspections at the same facility. Many of the 19 multimedia inspections also included investigations of other statutory program areas including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Emergency Planning and Community Right-to-Know Act (EPCRA), the Toxic Substances Control Act (TSCA), and the Safe Drinking Water Act (SDWA). Eight of the 19 multimedia inspections took place at civilian federal agencies' (CFA) facilities, including locations belonging to the National Aeronautics and Space Administration, and the Departments of Veterans Affairs, Labor, Interior, Agriculture and Justice. Five of these inspections occurred at Department of Defense (DoD) installations. Between FY 1993 and FY 2002, EPA regions have conducted a total of 298 multi-media inspections. See the following table for a list of federal facility multi-media inspections conducted during FY 2002.

Table 1
FY 2002 Multi-Media Inspections at Federal Facilities

Facility	Dates	Media or Statutory Program Investigated	State Participation ?	Lead Agency
U.S. Department of Agriculture, White Mountains National Forest, Laconia, NH	7/30/02 through 7/31/02	CWA, EPCRA, RCRA	No	EPA
U.S. Army, Maine National Guard, Limestone, ME	6/18/02 through 6/20/02	CAA, CWA, EPCRA, RCRA	No	EPA
U.S. Department of Labor, Loring Job Corps Center, Limestone, ME	6/18/02 through 6/20/02	CAA, CWA, EPCRA, RCRA	No	EPA
U.S. Department of Interior, Fish and Wildlife Service, Limestone, ME	6/18/02 through 6/20/02	CWA, RCRA	No	EPA
U.S. Navy, Brunswick Naval Air Station, Brunswick, ME	9/24/02 through 9/27/02	CAA, CWA, RCRA	Yes	EPA
Facility	Dates	Media or Statutory Program Investigated	State Participation ?	Lead Agency
U.S. Navy, Roosevelt Roads Naval Air Station, Ceiba, PR	2/25/02 through 3/1/02	CAA, EPCRA, FIFRA, CWA, SDWA, RCRA,	Yes	EPA
U.S. Department of Agriculture, Finger Lakes National Forest, Hector, NY	9/17/02 through 9/19/02	SDWA, RCRA	Yes	EPA
U.S. Department of Justice, Bureau of Prisons, Metropolitan Detention Center, Brooklyn, NY	9/23/02 through 9/25/02	CAA, RCRA, CWA, EPCRA	Yes	EPA

Facility	Date	Media or Statutory Program Investigated	State Participation ?	Lead Agency
None Reported				
Facility	Date	Media or Statutory Program Investigated	State Participation ?	Lead Agency
U.S. Department of Interior, Everglades National Park Homestead, FL	3/5/02 through 3/7/02	SDWA, RCRA, CWA, EPCRA	Yes	EPA
NASA, Kennedy Space Flight Center, Cape Canaveral, FL	5/21/02 through 5/24/02	CAA, EPCRA, SDWA, RCRA, CWA, TSCA	Yes	EPA
U.S. Army, Ft. Campbell, KY	7/8/02 through 7/12/02	CAA, EPCRA, SDWA, RCRA, CWA, TSCA	Yes	EPA
U.S. Department of Interior, Fish and Wildlife Service's Land Between the Lakes, KY and TN	7/8/02 through 7/12/02	ECRA, SDWA, CWA, RCRA,	Yes	EPA
U.S. Marine Corps, Camp Lejeune, NC	8/5/02 through 8/9/02	CAA, EPCRA, SDWA, RCRA, CWA, TSCA	Yes	EPA
Region 5 (IL, IN, MI, MN, OH, WI)				
Facility	Date	Media or Statutory Program Investigated	State Participation ?	Lead Agency
None Reported				

Facility	Dates	Media or Statutory Program Investigated	State Participation ?	Lead Agency
U.S. Army, Red River Army Depot, Texarkana, TX	9/23/02 through 9/26/02	CAA, CWA, RCRA, TSCA	Yes	EPA
U.S. Army, Fort Sam Houston, San Antonio, TX	9/9/02 through 9/10/02	CAA, CWA, RCRA, EPCRA, TSCA	Yes	EPA
Region 7 (IA, KS, MO, NE)				
Facility	Dates	Media or Statutory Program Investigated	State Participation ?	Lead Agency
U.S. Army, Iowa Army National Guard, Camp Dodge, IA	11/27/01 through 12/18/01	CAA, RCRA	No	EPA
U.S. Army, Army Engineering Center, Ft. Leonard Wood, MO	9/24/02 through 9/27/02	RCRA, CWA, CERCLA	Yes	EPA
Region 8 (CO, MT, ND, SD, UT, WY)				
Facility	Dates	Media or Statutory Program Investigated	State Participation ?	Lead Agency
None Reported				

Facility	Dates	Media or Statutory Program Investigated	State Participation ?	Lead Agency
U.S. Army, Schofield Army Barracks, Schofield Army Barracks, HI	4/5/02 through 5/9/02	CWA, RCRA	Yes	EPA
U.S. Navy, Pearl Harbor Naval Base, Pearl Harbor, HI	6/25/02 through 8/7/02	CWA, RCRA	Yes	EPA
Region 10 (AK, ID, OR, WA)				
Facility	Date	Media or Statutory Program Investigated	State Participation ?	Lead Agency
None Reported				

Hazardous Waste Compliance Docket Update

The Federal Agency Hazardous Waste Compliance Docket contains certain information about federal facilities that manage hazardous waste or from which hazardous substances have been or may be released. The fifteenth and sixteenth updates of the Federal Agency Hazardous Waste Compliance Docket were published in the Federal Register on July 1, 2002 and January 2, 2003, respectively. The current number of facilities on the docket is 2,228. The Department of Defense owns 953 of these facilities. Update number 17 to the docket will be published in July 2003 and will contain additions, deletions and corrections to the previous update.

3. Compliance Assistance

Compliance Assistance Activities at Federal Facilities

EPA compliance assistance activities at federal facilities during FY 2002 included on-site visits, distribution of informational materials, presentations and meetings, responding to inquiries, and providing training and instructional workshops. According to EPA's Reporting Compliance Assistance Tracking System (RCATS) database, the 10 EPA regional offices and EPA Headquarters staff provided 4 on-site compliance assistance visits, 13 workshops or training exercises, and 18 presentations or briefings for federal facility managers and staff. In addition, Environmental Management Reviews (EMRs) were conducted by several of EPA's regional offices. Compliance assistance activities targeted for the federal facility sector reached approximately 13,130 federal facility entities nationwide¹.

Examples of the compliance assistance activities conducted by EPA regions include:

- EPA Region 1 conducted 4 EMRs and four federal facility seminars including a workshop at the Department of Interior's National Park Service on the lead-based paint regulations and basic environmental compliance. The region also held workshops and seminars on EPCRA, the Toxic Release Inventory (TRI) and the Clean Water Act, including sections on the stormwater regulations. Region 1 staff also participated with Regions 2 and 3 to prepare and present an instructional workshop for federal facilities on designing and implementing an EMS. All together, the region conducted 24 compliance assistance activities and reached approximately 2,886 entities.
- EPA Region 2 created two brochures on water conservation and energy efficiency, and authored the EPA Region 2 Compliance Assistance and Pollution Prevention Newsletter, which was posted on the Region 2 website. The region also sponsored three compliance assistance workshops to help federal hospitals understand and comply with environmental regulations. Region 2 staff also provided a presentation at the Veterans Affairs VISN8 Strategic Planning Meeting on typical violations discovered at health care facilities. As mentioned above, Region 2 staff participated with Region 1 and 3 to prepare an instructional workshop on EMSs. For FY 2002, the region conducted 15 activities and reached approximately 350 entities.
- EPA Region 3 conducted three EMRs and hosted a regional meeting open to all federal facilities that covered topics pertaining to sustainable environmental stewardship. Regional staff also prepared an informational booklet on mercury that included topics such as current regulations, pollution prevention, handling, disposal and alternative purchasing. As mentioned above, Region 3 staff participated with Region 1 and 2 to prepare an instructional workshop on EMSs. The region reported conducting 262 activities and reaching 2,235

¹ For reporting purposes, the number of entities in EPA's RCATS database represents the number of recipient facilities, units of government (e.g., local or state) or individuals reached within the community targeted by the activity.

entities.

- Region 4 conducted 2 EMRs and held a series of briefings and discussions with staff from the Department of Defense, Department of Energy, the Bureau of Indian Affairs and the Department of Veterans Affairs regarding regulatory responsibilities and EMS. Region 4 co-sponsored an Occupational Health, Safety and Environmental Compliance Conference in Augusta, Georgia from January 28 through February 2, 2002. The environmental compliance portion of the conference focused on pollution prevention, the EPA Audit Policy, EMSs, the CAA, and requirements under RCRA, which included medical waste and underground storage tanks. The goal of the conference was to enhance public health and the environment by helping conference participants identify common concerns, underlying causes and potential remedies at their facilities. Region 4 staff also prepared and distributed informational materials pertaining to EMSs and the EPA Audit Policy. For FY 2002 Region 4 reported a total of 17 compliance assistance activities that reached 1,505 entities.
- EPA Region 6 conducted five EMRs at Department of Defense and National Park Service sites. Region 6 staff also hosted a joint conference with the Department of Defense highlighting pollution prevention and hazardous waste management. In addition, Region 6 also participated along with staff from EPA Regions 8, 9 and 10 in a joint Western Regions' Federal Facility Conference in Reno, Nevada that covered a wide range of topics including regulatory review, compliance assistance, remediation, EMS, geographical information systems, National Environmental Policy Act and environmental auditing. In all, the region conducted 56 compliance assistance activities and reached 753 entities.
- Region 7 conducted a workshop that focused on EMSs and co-sponsored another workshop about designing an EMS. The region also prepared outreach materials for distribution to federal facilities. During FY 2002, the region conducted two activities and reached 550 entities.
- Region 8 co-sponsored a two-day workshop on federal facility compliance with Executive Order 13148 called "Designing Your EMS." Regional staff also hosted a workshop on principles and practices of environmental justice for the Pueblo Restoration Advisory Board, who is working with the U.S. Army to destroy over 800,000 rounds of mustard gas munitions. The region also participated in the Western Regions' Federal Facility Conference held in Reno, Nevada, as mentioned above, and provided three presentations at the National Defense Industrial Association (NDIA) Conference on environmentally preferable cleaning products, an overview of the Region 8 EMS, and P2-YOU, an innovative employee education project. Other regional accomplishments include the development and distribution of a fact sheet on bicycle commuting in cooperation with the City and County of Denver, Colorado, to support the EPA Air Program's Commuter Choice initiative. Other tools produced by the region include an update and expansion of a 1999 bibliography on EMSs. In all, the region reported a total of 19 compliance assistance activities that reached 1,715 entities.

- Region 9 conducted an EMR at the U.S. Navy Submarine Base in San Diego, California and provided a workshop on managing hospital medical waste at federal agencies. Region 9 also participated in the Western Regions' Federal Facility Conference. Regional staff also attended the *Bay Area Federal Facilities Roundtable* to promote EMRs. The Region also provided presentations on RCRA regulations regarding conditionally exempt small quantity generators and the requirements of Executive Order 13148. For FY 2002, the region conducted a total of nine compliance assistance activities reaching approximately 1,766 entities.
- Region 10 conducted an EMR at the Kenai and King Salmon National Wildlife Reserve and Wildlife Service in Anchorage, Alaska. Region 10 staff also provided EMS training for federal facility personnel and also participated in the Western Regions' Federal Facility Conference. For FY 2002, Region 10 conducted a total of two activities and reached 1,370 entities.

EPA and VHA Compliance Improvement

EPA and the Veterans Health Administration (VHA) have embarked on a cooperative partnership in which EPA will conduct environmental management reviews (EMRs) of at least 17 VHA medical centers across the nation. This will be the largest number of reviews conducted by EPA at any one federal agency, and is one illustration of EPA's goal to offer assistance to federal facilities interested in improving their compliance records, as well as meeting the requirements of Executive Order 13148.

These EMRs are part of a larger partnership initiated in the summer of 2002 in which VHA and EPA agreed to work together on several initiatives to enhance VHA's environmental compliance programs and address concerns of a similar nature found during inspections at a number of medical centers over the last few years. They are intended to help individual VHA facilities improve operations and minimize impacts on the environment, and assist the VHA in designing and implementing changes nationally to address common environmental issues found nationwide at the medical centers.

Reviews will be conducted by a team of EPA and VHA experts who will interview medical center staff and managers about facility operations and how these impact the environment. Subsequent to each review, EPA will provide the medical centers a written report with specific recommendations for improvements. In turn, the medical centers will provide EPA a written plan laying out how they intend to make operational changes to improve environmental programs. Reviews will also help the VHA design environmental management systems required by Executive Order 13148.

The medical centers where reviews will be conducted were jointly selected by EPA and the VHA and are representative of the Department's medical centers across the country. Those selected

include new and old facilities, as well as large hospitals providing tertiary care and small hospitals focusing on primary care. Some of the facilities provide nursing home and long-term care; others are affiliated with medical schools and do extensive research. EPA hopes to complete all the reviews in FY 2004.

4. Enforcement

Federal Facilities Enforcement Actions

In FY 2002, as tracked in EPA's Integrated Compliance Information System (ICIS) database, EPA issued or completed 24 enforcement actions against federal agencies and government contractors. The Department of Defense was named in 13 actions, the Department of Energy in 1 action, and civilian federal agencies (CFAs) in 8 actions. One action cited both a federal agency and a government contractor as co-defendants and still another cited a government contractor as the sole defendant at a U.S. Government site.

EPA Region 4 issued or completed seven actions - the most of all ten EPA Regions. On a statutory basis, 11 RCRA actions, 5 CAA actions, 5 TSCA actions, one EPCRA action, one CWA action and one SDWA action were issued or finalized.

Of the 24 actions, 11 were penalty orders. The total amount of penalties in all final orders for all statutes was \$166,632, and the order also included a total of \$554,583 in supplemental environmental projects (SEPs). SEPs are a component of a settlement contained in an enforcement action in which the alleged violator voluntarily agrees to undertake an environmentally beneficial project in exchange for a reduction in penalty. Under RCRA, \$138,932 in penalties were collected in final penalty orders along with \$538,583 in SEPs. Under CAA, \$27,700 were collected in final penalty orders along with \$16,000 in SEPs. One proposed penalty order was issued to the U.S. Maritime Administration for a total of \$222,200.

Table 2
FY 2002 EPA Enforcement Actions
Against Federal Facilities by Region
Data Source: EPA's Integrated Compliance Information System

02/28/2003
(penalties final except where noted)

Region 1 (CT, ME, MA, NH, RI, VT)	
RCRA 9006 (UST Field Citation)	<ul style="list-style-type: none"> 01-2001-0108, U.S. Department of Veterans Affairs, VA Medical Center - Bedford, MA (\$900 penalty)
Region 2 (NJ, NY, PR, VI)	
CAA 113D1	<ul style="list-style-type: none"> 02-2002-1276, U.S. Army, Fort Dix - Fort Dix, NJ (\$1,300 penalty)
RCRA 9006	<ul style="list-style-type: none"> 02-2001-7503, U.S. Army, Seneca Army Depot - Romulus, NY (\$22,000 penalty)
Region 3 (DE, DC, MD, PA, VA, WV)	
CAA 113A (Compliance Order)	<ul style="list-style-type: none"> 03-2002-0163, U.S. Army, Fort George G. Meade - Fort Meade, MD
RCRA 3008	<ul style="list-style-type: none"> 03-2002-0044, U.S. Food and Drug Administration - Laurel, MD (\$5,500 penalty) 03-2002-0045, U.S. Food and Drug Administration Research Laboratory - Washington, D.C. (\$3,000 penalty)
RCRA 9006 (UST Consent Agreements and Final Orders)	<ul style="list-style-type: none"> 03-2002-0123, U.S. Army, Walter Reed Medical Center - Silver Spring, MD and Washington, D.C. (\$36,195 penalty and \$108,583 SEP)¹
Region 4 (AL, FL, GA, KY, MS, NC, SC, TN)	
CAA 113D	<ul style="list-style-type: none"> 04-2002-1515, U.S. Department of Transportation, Maritime Administration - (MARAD), Wilmington, NC (\$222,200 proposed penalty)
RCRA 3008H	<ul style="list-style-type: none"> 04-2001-0117, Final Order² U.S. Army, Volunteer Army Ammunition Plant - Chattanooga, TN

¹ Case 03-2002-0123 is counted as 1 action for this report although there were 2 separate facilities involved in the case.

² In January, 2001 a 3008h proposed order was issued. However, the order did not become final until November 29, 2001.

RCRA 9006	<ul style="list-style-type: none"> 04-2002-0002, U.S. Army, Fort Bragg Military Installation - Fort Bragg, NC (\$29,137 penalty)
TSCA Sec.6 (e) & 16 (a)	<ul style="list-style-type: none"> 04-2002-PCB 29, National Aeronautics and Space Administration, John F. Kennedy Space Flight Center - Kennedy Flight Center, FL (NON Issued) 04-2002-0158, U.S. Air Force, Arnold Engineering Development Center - Arnold, TN (NON Issued) 04-2002-4006, U.S. Department of Energy,- Paducah Gaseous Diffusion Plant - Paducah, KY (NON Issued) 04-2002-P4008, U.S. Army, Fort Gordon - Fort Gordon, GA (NON Issued)

Region 5 (IL, IN, I

CAA 113A (Compliance Order)	<ul style="list-style-type: none"> 06-2002-3311, U.S. Air Force & Lockheed Martin Corporation, USAF Plant 4, Fort Worth, TX
EPCRA 325	<ul style="list-style-type: none"> 06-2002-4112, Northrop Grumman Corporation, Naval Weapons Industries Reserve Plant Number 387, Dallas, TX

Region 7 (IA,

SDWA 1414C	<ul style="list-style-type: none"> 08-2002-0125, U.S. Department of Agriculture, U.S. Forest Service - Medicine Bow National Forest, Brush Creek/Hayden District, Saratoga, WY
TSCA 16	<ul style="list-style-type: none"> 08-2002-0114, U.S. Army, Fort Carson - Colorado Springs, CO

Region 9 (AZ, CA, HI

CAA 113D	<ul style="list-style-type: none"> 09-2001-0107, U.S. Army, Fort Shafter, Schofield Barracks and Wheeler Army Airfield - Schofield Barrack, HI (\$26,400 penalty and \$16,000 SEP)
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RCRA 3008A	<ul style="list-style-type: none"> 09-2002-0015, U.S. Navy, Navy Public Works Center - Apra Harbor, Guam (\$42,000 penalty and \$380,000 SEP)
RCRA 9006 (UST Field Citation)	<ul style="list-style-type: none"> 09-2002-0020, U.S. Marine Corps, Camp H.M. Smith -Camp Smith, HI (\$150 penalty) 09-2002-0054, U.S. Postal Service, Wahiawa, HI (\$50 penalty)
Region 10 (AK, ID, OR, WA)	
CWA 311(j)	<ul style="list-style-type: none"> 10-2002-0175, U.S. Department of Interior, U.S. Fish and Wildlife Service - National Federal Facility Compliance Agreement³
RCRA 9006 (UST Consent Agreement and Final Orders)	<ul style="list-style-type: none"> 10-2000-0216, U.S. Army, Fort Lewis - Fort Lewis, WA (\$250,000 SEP)⁴

³ This National Federal Facility Compliance Agreement covers hundreds of facilities nationally.

⁴ This case is an amendment to a case from FY 01. Please note that the SEP amount was increased from an original \$200,000 to \$250,000 and is therefore being included in the FY 02 accomplishments report. Therefore the amount counted for this report is only the additional \$50,000 from the amendment.

5. Enforcement Actions and Cleanup Agreements

In FY 2002, EPA took 24 formal enforcement actions against federal facilities under the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), Safe Drinking Water Act (SDWA), and the Toxic Substances Control Act (TSCA). Some of these actions are summarized below.

Key Enforcement Actions for FY 2002

RCRA Cases

Two RCRA Settlements with the United States Food and Drug Administration (FDA) in Laurel, Maryland and the District of Columbia

In FY 2002, EPA settled two cases at FDA facilities for hazardous waste violations such as storing hazardous waste longer than 90 days, failure to train hazardous waste personnel, and various emergency equipment infractions. EPA and FDA settled both cases for a total civil penalty of \$8,500. EPA reached this amount because of FDA's diligence in correcting the violations (even prior to EPA's enforcement actions). In addition, FDA spent \$33,000 enhancing its environmental management at these two facilities while also spending an additional \$37,500 doing similar activities at its facilities not subject to these settlements. In additions, FDA spent \$137,272 hiring additional staff and upgrading its environmental management software at all of its facilities across the country. *Note, these additional dollar amounts cited above but outside of the \$8,500 penalty are not SEPs but funds FDA set aside for improving environmental management both at these facilities and at FDA installations nationwide.*

RCRA Underground Storage Tank Settlement with the Walter Reed Army Medical Centers in Silver Spring, Maryland and the District of Columbia

EPA settled underground storage tank (UST) violations such as failing to report suspected releases from certain USTs in a timely manner, failure to investigate suspected releases from certain USTs in a timely manner, failure to install spill prevention controls on certain USTs in a timely manner, and failure to take necessary precautions to prevent overflow/spillage during the transfer of product at certain USTs. The Army corrected the violations. EPA and the Army agreed to a settlement wherein EPA assessed a \$36,195 penalty and the Army agreed to implement a Supplemental Environmental Project (SEP) costing the Army at least \$108,583. The SEP consists of a central alarm monitoring system for 37 above-ground and underground storage tanks at these two facilities which will significantly reduce the potential for possible releases going undetected for any of these tanks. The alarm system is to be in continuous operation for at least ten years. The Army has paid the penalty and has spent in excess of \$200,000 implementing the SEP.

EPA Settles RCRA Violations With the U.S. Navy's Public Works Center in Apra Harbor in Guam

On Jan. 7, 2002, the U.S. Navy Public Works Center in Guam agreed to pay \$42,000 and perform two environmental projects worth \$380,000 for alleged violations of hazardous waste regulations at the Navy's Public Works Center (PWC) in Guam. Under the settlement, the Navy will spend \$136,000 to purchase a rescue truck and an incident command response vehicle. The rescue truck will be outfitted with equipment to support hazardous material spill response team personnel. Both vehicles will be used by naval forces to conduct emergency response activities both on and off-base. Also as part of the settlement, \$244,000 will be set aside for an improved hazardous waste minimization system and include training, software and equipment. The money will pay for a computerized hazardous substance management system, new laboratory equipment, a graphite furnace unit with associated support equipment, and two storage lockers. The Navy's PWC facility was cited for four violations of Guam's hazardous waste regulations. The EPA cited the PWC for failing to comply with the hazardous waste generator requirements, failing to store hazardous waste under a covered structure, failing to make hazardous waste determinations, and failing to amend training and contingency plans. The PWC primarily manages recyclable and hazardous materials from shops operated by the PWC and naval ships that dock on Guam. The PWC determines which materials can be reused and which must be handled as hazardous waste.

RCRA Corrective Action Order Finalized at the U.S. Army Volunteer Army Ammunition Plant in Chattanooga, Tennessee

On November 29, 2001, EPA Region 4 finalized an Administrative Order under RCRA against the Volunteer Army Ammunition Plant (VAAP), requiring corrective Action at the former US Army TNT manufacturing facility in Chattanooga, TN. The Order directs the Army to fully evaluate the nature and extent of releases of hazardous waste and constituents into the environment and to take corrective action necessary to mitigate any migration of releases at or from the facility. Under this Order, the Army is also responsible for addressing contamination that has migrated to property not currently owned by the Army. The Order also requires a sustained and appropriate level of cleanup response from the Army. EPA and the Tennessee Department of Environmental Correction (TDEC) expect the issuance of the Order to raise the priority the Army place on the response to contamination of the facility. Future property transfers will not relieve the Army of its obligations under the Order.

VAAP began operations in July 1942 as a TNT production facility and operated intermittently until 1977. By 1945, the facility had produced more than 800 million pounds of TNT. Production facilities were modernized in the seventies. The facility generated hazardous waste associated with TNT production and operated an open burning hazardous waste treatment unit until 1994. The contaminated soil associated with this unit was removed in 1999 with TDEC's oversight and approval. Site investigations have revealed contamination in groundwater, surface water, soil, and sediments from multiple plant processes and waste management practices.

Settlement of RCRA Case at U.S. Army's Fort Bragg in North Carolina

The United States Army's Fort Bragg Military Installation in North Carolina agreed to pay a \$29,137 penalty for RCRA UST violations under a 2002 settlement agreement. The Consent Agreement Final Order resolves findings of a July 2001 UST inspection of Fort Bragg's 33 UST systems and requires compliance with Subtitle I of RCRA. An EPA inspection found that Fort Bragg failed to have leak detection systems capable of detecting a release as well as functional overfill prevention equipment capable of preventing overfill associated with a product transfer to the tank system. The inspection also found that the tank systems failed to operate and maintain cathodic protection systems and failed to maintain records demonstrating that proper testing was conducted on the integrity of the tanks.

CAA Cases

EPA Issues a CAA Compliance Order to the Army for Violations at Fort George G. Meade in Maryland

As a part of a federal facility initiative conducted by the Federal Facilities Enforcement Office, EPA Region 3 and EPA headquarters inspected Fort George Meade for compliance with the CAA. EPA noted several chlorofluorocarbon violations at the facility such as record-keeping violations regarding the amount of refrigerant each appliance holds, services performed on the appliance, and leak detections. Other violations included the Army's failure to obtain permits for boilers prior to constructing and operating the boilers. EPA issued a CAA Section 113 (a) compliance order requiring the facility to return to compliance by submitting the appropriate permit applications and maintaining the required records.

CAA Asbestos Case Settlement with U.S. Army's Fort Shafter at Schofield Barracks in Hawaii

In June 2002, EPA Region 9 settled its case against the U.S. Army Garrison Hawaii at Fort Shafter and its subcontractor, Precision Demolition and Construction Inc. of Hawaii, which will pay \$26,400 for alleged asbestos removal violations in March 2000. Fort Shafter will fund specified asbestos abatement projects at three schools in Hawaii for an estimated \$16,000. On Sept. 28, 2001, the EPA filed a complaint against Fort Shafter and Precision for several alleged violations of the Clean Air Act's standards for hazardous air pollutants for asbestos during the demolition of a building in the Fort Shafter Flats near Honolulu. The alleged violations included failure to keep asbestos-containing material adequately wet during stripping operations and until it was collected for disposal. Also, visible emissions of asbestos-containing material were allegedly discharged to the outside air during collection. Asbestos is a known environmental carcinogen that the EPA has determined is a hazardous air pollutant. It presents a significant risk to human health as a result of air emissions. Individuals exposed to asbestos fibers can contract asbestos-related diseases.

Maritime Administration Cited for CAA Violations at Marine Vessel in Wilmington, North Carolina

Region 4 issued an Administrative Complaint and proposed a penalty of \$222,200 against the U.S. Department of Transportation, Maritime Administration (MARAD) for CAA Section 113(d) violations associated with the renovation of the Marine Vessel (MV) Cape Lobos. EPA Region 4 cited MARAD for alleged violations in early 1999 in Wilmington, North Carolina during general renovations on board the MV Cape Lobos. Violations cited in the complaint included failure to remove asbestos before engaging in activities that caused regulated asbestos containing material to be disturbed, failure to adequately wet the material during demolition, and failure to have at least one person adequately trained in compliance with asbestos NESHAP regulations present during disturbance of the asbestos containing material.

CWA Cases

Compliance Agreement Improves Environmental Protections at Hundreds of Fish and Wildlife Service Facilities

In December 2001, a Federal Facility Compliance Agreement between EPA and the Department of the Interior's Fish and Wildlife Service (FWS) became effective. The Agreement addresses noncompliance with Section 311(j) of the Clean Water Act and its Oil Pollution Prevention Regulations. The Agreement was developed to address Spill Prevention and Control Countermeasure Plan (SPCC Plan) requirements at hundreds of FWS facilities throughout the nation. It requires FWS facilities to prepare SPCC Plans, to have the SPCC Plans reviewed and certified by a Professional Engineer (PE), and to implement those SPCC Plans under a set schedule. The Agreement is the result of EPA's inspection program and FWS's self-disclosure of noncompliance to EPA. EPA inspected a FWS facility in Alaska and discovered that the facility's SPCC Plan had not been reviewed or certified by a PE. The FWS self-disclosed that the same problem existed at other facilities, including its wildlife refuges and fish hatcheries, many of which are located in remote areas near waters protected by the Clean Water Act. At the request of FWS during the negotiation of the Agreement, EPA provided compliance assistance and regulatory interpretations to FWS concerning how the SPCC regulations apply to its facilities and operations. The Agreement ensures that hundreds of FWS facilities across the country will operate in environmentally protective ways.

EPCRA Cases

EPCRA Violations Determined at the Northrup Grumman Corporation's Naval Weapons Industries Reserve Plant (Number 387) in Dallas, Texas

On November 13, 2000, Northrop Grumman Corporation (Northrop), the contractor operator of Naval Weapons Industries Reserve Plant Number 387 in Dallas, Texas, self-disclosed potential violations of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Toxics Release Inventory (TRI) requirements. After evaluating Northrop's self-disclosure, a Notice of Determination was issued on November 21, 2001, which waived the gravity-based penalty in this matter. The gravity-based penalty was waived because Northrop's self-disclosure

and supporting documentation demonstrated that all nine conditions of EPA's Audit Policy were satisfied.

EPCRA and CAA Violations Determined at the Lockheed Martin Corporation, U.S. Air Force Plant Number 4 in Fort Worth, Texas

The United States Air Force (USAF) owns, and Lockheed Martin Corporation (Lockheed) operates, Air Force Plant Number 4 (AFP4), located in Fort Worth, Texas. Lockheed manufactures the F-16 Fighting Falcon and the Joint Strike Force Fighter aircraft at this facility. On July 7, 1999, EPA personnel conducted a Multi-Media Compliance Evaluation Inspection (CEI) at the facility. During the CEI, potential violations of the EPCRA were identified, as was noncompliance with the CAA.

The EPCRA violations include failure to submit a Form R for calendar year 1996, and failure to submit a Form R for calendar year 1997. A settlement was reached for the EPCRA violations in 2002, and a civil penalty of \$26,180 was assessed against Lockheed. Regarding the CAA violations, EPA issued Lockheed an Information Request on September 19, 2000, to determine compliance with the Alternate Reasonably Available Control Technology (ARACT) for the Texas State Implementation Plan (SIP). The Texas SIP was approved by EPA to achieve compliance with the National Ambient Air Quality Standards. Lockheed's response to the information request revealed some mishandling of wipe solvent rags which were not being properly stored and disposed after use. EPA issued both the USAF and Lockheed an Administrative Order requiring them to come into compliance with the ARACT and properly handle wipe solvent rags.

TSCA Cases

TSCA Notice of Noncompliance Issued to Fort Carson in Colorado Springs, Colorado

On September 20, 2002, EPA Region 8 issued a Notice of Noncompliance, Compliance Schedule, and Notice of Opportunity for Conference to the U.S. Army Headquarters in Fort Carson, Colorado. The notice cited Fort Carson for violations of the Toxic Substances Control Act (TSCA), and alleged 8 counts of improper disposal of polychlorinated biphenyls (PCBs) based on leaking transformers observed during a May, 2002 inspection. Thirteen counts of failure to provide maintenance inspection reports were also alleged. The notice stated that if the respondent had not been a Department of the United States, a penalty of \$92,000 would have been proposed. Subsequent to issuance of the notice, Fort Carson inspected and cleaned all transformers, submitted inspection maintenance reports and made changes to their procedures to ensure that such problems would not occur again in the future.

TSCA Notices of Violations (NOVs) Issued to Four Federal Facilities

Violations of TSCA Section 6 (e) were discovered by Region 4 during multimedia inspections of four separate federal facilities. The NOV's were issued against Arnold Air Force Base in Tennessee; the U.S. Army's Fort Gordon in Georgia, the U.S. Department of Energy's Paducah Gaseous Diffusion Plant in Paducah Kentucky, and the National Aeronautics and Space Administration's Kennedy Space Flight Center in Florida. The notices were issued to these facilities for failing to properly manage polychlorinated biphenyls (PCBs) or failure to maintain required records.

SDWA Cases

SDWA Compliance Order Issued to U.S. Forest Service's Medicine Bow National Forest, Saratoga, Wyoming

On September 25, 2002, a SDWA Compliance Order was issued to the Department of Agriculture's U.S. Forest Service Medicine Bow National Forest at the Brush Creek/Hayden District in Saratoga, Wyoming. The Compliance Order alleges violations for failure to monitor for total coliform, failure to report total coliform monitoring violations to EPA, failure to monitor for nitrate, and failure to report National Primary Drinking Water Regulation (NPDWR) violations to EPA. The Order provided the Forest Service's primary drinking water supply system with 12 months in which to come into and maintain compliance with the SDWA and NPDWRs.

Modifications to Agreements from Previous Fiscal Years and Cleanup Cases

EPA Orders Cleanup at Mare Island Naval Shipyard in Vallejo, California

In FY 2002, EPA entered into a consent agreement and final order with the United States Navy to resolve claims under the TSCA and the Comprehensive Response, Compensation and Liability Act (CERCLA) for contamination with PCBs at the Mare Island Naval Shipyard in Vallejo, California. The agreement paves the way for the transfer of contaminated property to a private developer that plans to clean up the property and develop it for commercial and industrial reuse. Approximately 690 gallons of liquid PCBs and 14 million pounds of PCB-contaminated concrete, wood, and soil are expected to be removed from the site.

EPA Orders the Bureau of Indian Affairs (BIA) to Complete Cleanups on Navajo Nation in Arizona

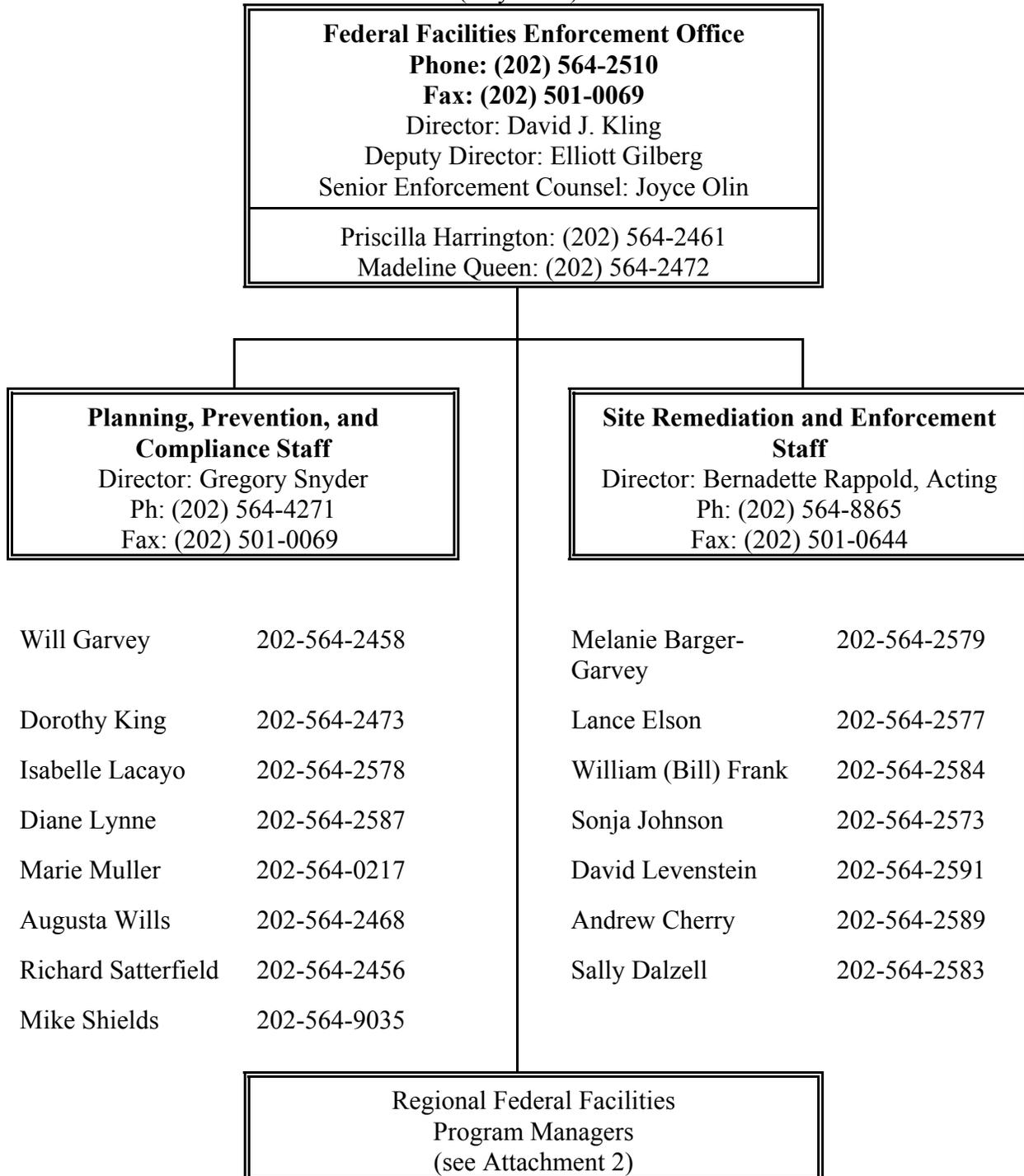
On September 27, 2002, Region 9 amended a 1997 order requiring the BIA to complete the necessary cleanup actions identified at schools and facilities on the Navajo Nation in Arizona by the end of the year. As part of a supplemental environmental project under the original order, the BIA Fort Defiance Branch of Roads Maintenance Facility was required to hire a third-party consultant to perform environmental audits at schools and facilities. The BIA agreed to correct identified deficiencies and spend at least \$223,353 in this effort. The BIA failed to address 374 out of the 1,304 deficiencies that were identified, which included unidentified hazardous waste

and unlabeled drums at schools, underground tanks and aboveground tanks that were potentially leaking, and contaminated soil. The BIA has agreed to clean up high priority facilities identified by the EPA and the Navajo Nation and hire a second independent contractor to verify all cleanup actions completed under the original order. The 1997 order alleged that BIA was operating a hazardous waste storage facility without a permit, stored paint waste on-site for longer than one year, and failed to file an hazardous waste activity notification to the Navajo Nation.

Attachment 1

Organizational Structure of the Federal Facilities Enforcement Office

(July 2003)



ATTACHMENT 2
FEDERAL FACILITIES PROGRAM MANAGERS
ENVIRONMENTAL PROTECTION AGENCY
Updated 7-7-2003

Region/Name	States	Address	E-Mail	Tel/Fax
HEADQUARTERS Greg Snyder, Director Planning, Prevention, & Compliance Staff		US EPA Federal Facilities Enforcement Office (Mail Code 2261A) 1200 Pennsylvania Avenue, NW Washington, DC 20460	snyder.greg@epa.gov	202-564-4271 202-501-0069
REGION 1 Anne Fenn	CT, ME, MA, NH, RI, VT	US EPA Region 1 Office of Environmental Stewardship 1 Congress Street Suite 1100, Mail: SPP Boston, MA 02114-2023	fenn.anne@epa.gov	617-918-1805 617-918-1810
REGION 2 Kathleen Malone	NJ, NY, PR, VI	US EPA Region 2 Compliance Assistance Section 290 Broadway, 21st Fl. New York, NY 10007-1866	malone.kathleen@epa.gov	212-637-4083 212-637-4086
REGION 3 Jose Jimenez	DE, DC, MD, PA, VA, WV	US EPA Region 3 Office of Environmental Programs 1650 Arch Street Philadelphia, PA 19103-2029	jimenez.jose@epa.gov	215-814-2148 215-814-3163
REGION 4 Mark Robertson; Anthony Shelton (for civilian federal agency matters)	AL, FL, GA, KY, MS, NC, SC, TN	US EPA Region 4 Environmental Accountability Division, Federal Facilities 61 Forsyth St., SW Atlanta, GA 30303-8960	robertson.mark@epa.gov shelton.anthony@epa.gov	404-562-9639 (MR) 404-562-9636 (AS) 404-562-9598
REGION 5 Lee J. Regner	IL, IN, MI, MN, OH, WI	US EPA Region 5 Office of Enforcement & Compliance Assurance 77 West Jackson Blvd Chicago, IL 60604-3507	regner.lee@epa.gov	312-353-6478 312-353-5374
REGION 6 Joyce F. Stubblefield Gabe Gruta	AR, LA, NM, OK, TX	US EPA Region 6 Compliance Assurance & Enforcement Division 1445 Ross Avenue Dallas, TX 75202	stubblefield.joyce@epa.gov gruta.gabe	214-665-6430 (JS) 214-665-2174 (GG) 214-665-7446
REGION 7 Diana Jackson	IA, KS, MO, NE	US EPA Region 7 Enforcement Coordination Office 901 North 5 th Street Kansas City, KS 66101	jackson.diana@epa.gov	913-551-7744 913-551-9744
REGION 8 Dianne Thiel Elisabeth Evans	CO, MT, ND, SD, UT, WY	US EPA Region 8 999 18th Street Denver, CO 80202-2466	thiel.dianne@epa.gov evans.elisabeth@epa.gov	303-312-6389 303-312-6044 (DT) 303-312-6217 303-312-6409 (EE)
REGION 9 Larry Woods Tom Kelly	AZ, CA, HI, NV, Pacific Islands	US EPA Region 9 Cross-Media Division 75 Hawthorne St, CMD-2 San Francisco, CA 94105	woods.larry@epa.gov kelly.thomasp@epa.gov	415-972-3857/ 3562 (LW); 415-972-3856/ 3562 (TK)
REGION 10 Michele Wright	AK, ID, OR, WA	US EPA Region 10 Office of Enforcement & Compliance (OEC-164) 1200 6th Avenue Seattle, WA 98101	wright.michele@epa.gov	206-553-1747 206-553-7176