

# FY 2015

## **Office of Enforcement and Compliance Assurance DRAFT National Program Manager Guidance Addendum**



March 14, 2014

Publication Number 305P14001

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*OECA's FY 2014 National Program Manager (NPM) Guidance will continue to be implemented in FY 2015, with a few exceptions. This section discusses the significant changes from OECA's FY 2014 NPM Guidance which will be implemented in FY 2015.*

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## **Appendix: FY 2015 Draft ACS Measures**

## **I. Introduction**

This National Program Manager Guidance Addendum applies to the Office of Enforcement and Compliance Assurance (OECA), all U.S. Environmental Protection Agency (EPA) regional enforcement programs, and states and federally-recognized Indian tribes implementing EPA-approved inspection and enforcement programs.<sup>1</sup> OECA coordinates with the regions, states and local agencies and consults with tribal governments as it designs, develops, implements and oversees national compliance and enforcement programs. Regional offices work with states and local agencies and consult with tribes to implement and review these programs.<sup>2</sup>

*OECA's National Program Manager (NPM) Guidance* for fiscal year (FY) 2014 carries over to and should be implemented during FY 2015 with a few exceptions. This document, *OECA's Draft NPM Guidance Addendum for FY 2015*, discusses those exceptions and a few significant changes from OECA's FY 2014 NPM Guidance which will be in effect in FY 2015. These significant changes include updated Compliance Monitoring Strategies for the Clean Water Act and Clean Air Act and changes to FY 2015 ACS measures or language addressing the State Review Framework, Clean Water Act, Greenhouse Gas Reporting Program, federal facilities, RCRA corrective action financial responsibilities, and the Community Engagement Initiative to enhance Agency cleanup programs and related regional engagement with local communities.

What hasn't changed is EPA's commitment to a strong enforcement program. The EPA's national enforcement and compliance assurance program continues to assure compliance with federal environmental statutes using a variety of tools, including civil and criminal enforcement. These tools advance OECA's overall national goals for:

- Tough civil and criminal enforcement for violations that threaten communities and the environment.
- Next Generation Compliance: achieving greater compliance and protection using advanced monitoring and information technologies. Next Generation Compliance tools are intended to supplement and advance strong enforcement programs.
- Strong EPA/State/Tribal environmental protection: working together toward shared environmental goals.

To help achieve these enforcement goals, in FY 2015, OECA will continue to focus on high priority work where significant environmental risk and noncompliance patterns are known to exist or where there are important opportunities to improve performance. This work includes: 1) Implementing Clean Air Act National Enforcement Initiatives; 2) Assuring Safe Drinking Water; 3) Reducing Pollution from Mineral Processing Operations; 4) Assuring Energy Extraction Sector Compliance with Environmental Laws; 5) Implementing the Clean Water Act Action Plan; 6) Advancing Next Generation Compliance; and 7) Strengthening State Performance

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<sup>1</sup> When referring to states and tribes throughout this NPM guidance, OECA is referring to states and tribes authorized to implement federal programs. EPA implements programs in states and Indian country unless and until EPA approves the state or tribe to implement the inspection and enforcement program.

<sup>2</sup> EPA consults with tribes consistent with the EPA Policy on Consultation and Coordination with Indian Tribes and Executive Order 13175.

and Oversight. With the exception of what's discussed in this Addendum, the rest of OECA's FY 2014 NPM Guidance applies to FY 2015. EPA looks forward to working together with its state and tribal partners during FY 2015 to achieve our shared environmental goals.

## II. Key Changes for FY 2015

The table below summarizes each significant change from OECA's FY 2014 NPM Guidance (NPMG) and identifies revised language and/or activities to be implemented in FY 2015. The page number refers to the location of the original language in OECA's FY 2014 NPMG, which can be accessed at <http://www2.epa.gov/planandbudget/national-program-manager-guidances>. All of these changes provide additional direction for and will be implemented in FY 2015, along with the rest of the FY 2014 NPM Guidance which remains the same and carries over.

Page #	Strengthening State Performance and Oversight
13-14	<p><b>Key Change: State Review Framework (SRF) Round 3 Efficiencies and Updated National Strategy.</b></p> <p>OECA changed the language to reflect SRF Round 3 efficiencies and the final <i>National Strategy for Improving Oversight of State Enforcement Performance</i>, both effective as of December 2013. OECA also removed the references to MOA reviews by the regions and integrated PQR-SRF reviews.</p>
	<p><b>Activities:</b> OECA revised the first full paragraph on page 13 to reads as follows with the new language underlined:</p> <p>“<u>In FY 2013, based on pilot reviews conducted in FY 2012, OECA, the EPA regions, and states incorporated program changes that will improve SRF effectiveness while reducing the resources necessary to conduct reviews. Also, in 2013, OECA issued the National Strategy for Improving Oversight of State Enforcement Performance.</u> The National Strategy <u>clarifies</u> that an integral part of the SRF is a consistent national approach for dealing with significant state enforcement performance issues, once they have been identified. The National Strategy describes three sets of actions aimed at improving state enforcement performance to achieve the above-stated goals: (1) an escalation approach to problem-solving; (2) the regular and periodic State Review Framework evaluation process; and (3) transparency efforts.”</p> <p>In the section on regional activities on page 13, OECA:</p> <ul style="list-style-type: none"> <li>Revised the first bullet so that it reads: “Conduct all Round 3 SRF reviews of state CAA, CWA, and RCRA enforcement program scheduled for <u>2015</u>, following Round 3 headquarters guidance <u>issued in December 2013 and available on the ECHO SRF page.</u>”</li> </ul>

	<ul style="list-style-type: none"> <li>Deleted the second bullet which read as follows: “Review MOAs as part of the CWA-NPDES integrated review process, using the OW/OECA criteria and checklist. Ensure identified issues are addressed as needed by the end of FY 2017.”</li> <li>Revised the fourth bullet to remove the reference to tracking results of integrated CWA reviews; the revised bullet now reads: “Monitor progress of states in carrying out the recommendations and record progress quarterly in the SRF Tracker.”</li> <li>Revised the last bullet in the regional activities section, which now reads: “Review the number of SNC/HPVs identified (and percent of universe) by state and the number (and percent) addressed in a timely and appropriate manner.”</li> </ul> <p>In the section on state and local agency activities on page 14, in the last bullet, OECA replaced the reference to “regions’ review” with a reference to “EPA’s review”; the last bullet now reads:</p> <ul style="list-style-type: none"> <li>“Where EPA’s review of state-EPA MOAs determines that MOAs might require revision, updating or supplementation, states should work cooperatively with the EPA regions to identify and complete appropriate actions.”</li> </ul>
<b>Page #</b>	<b>State Review Framework (SRF) Measure</b>
Appendix 1, page 3	<p><b>Key Change: Revision of State Review Framework Measure SRF 01.</b></p> <p>For FY 2015, OECA clarified State Review Framework (SRF) ACS measure SRF01. OECA changed the language to reflect that: 1) as part of the SRF efficiencies process, the schedule for completing SRF final reports was extended from fiscal year to calendar year; and 2) integrated CWA-NPDES SRF and Permit Quality Reviews (PQRs) are now optional for the regions.</p> <p><b>Activities:</b> The proposed new SRF 01 measure reads as follows with changes underlined:</p> <p><b>SRF 01:</b> <u>Finalize all Round 3 SRF reports for state CAA, CWA and RCRA enforcement programs scheduled for calendar year 2014 no later than December 31, 2014 (first quarter of FY 2015). By September 30, 2015, complete draft reports for all Round 3 SRF reviews scheduled for calendar year 2015. (Final reports are to be completed by December 31, 2015 (first quarter of FY 2016).)</u> Regions in FY 2013 developed a plan to complete all Round 3 state reviews by the end of calendar year <u>2017</u>. OC and OWM will hold annual discussions with regions to establish whether any modifications to the schedules are necessary.</p>
<b>Page #</b>	<b>CWA Compliance Monitoring Strategy</b>
18-19	<p><b>Key Change: Revision of CWA Compliance Monitoring Strategy (CMS).</b></p> <p>OECA is currently revising the CWA Compliance Monitoring Strategy (CMS). The final revised CMS will be implemented beginning in FY 2015. EPA is revising the CWA CMS as a result of a national dialogue with states about expanding compliance</p>

	<p>monitoring activities that may be included in a state’s CMS plan and an internal evaluation of implementation of the 2007 CWA CMS.</p> <p><b>Activities:</b> The revised CWA CMS will further explain how regions and states can prepare alternative CMS plans that may encompass expanded compliance monitoring tools, such as off-site desk audits and focused inspections. It will also update the national goals set forth in the 2007 CMS to simplify CMS planning and implementation. For example, where the 2007 CMS had separate compliance monitoring goals for small and large construction sites, the revised CMS will have one goal for all construction sites. The ACS measure CWA07 has been updated accordingly.</p> <p>In the CWA section, OECA updated the dates for submittal of information in the following 2 bullets on pages 18 and 19 respectively:</p> <ul style="list-style-type: none"> <li>Develop annual compliance monitoring plans that take advantage of the flexibility available in the NPDES CMS. Provide FY 2015 CMS plans to OECA by December 31, <u>2014</u>.</li> </ul> <p>EPA regions should:</p> <ul style="list-style-type: none"> <li>Track compliance monitoring activities and submit annual end of year (EOY) reports for each state and for regional direct implementation to OECA by December 31, <u>2015</u> <del>or a later date if one is negotiated through the ACS process</del>. EOY reports should account for all compliance monitoring activities conducted in the prior year in accordance with the NPDES CMS.</li> </ul> <p>OECA deleted the following 2 bullets from page 18 because the revised CWA CMS already takes these activities into account:</p> <ul style="list-style-type: none"> <li>Implement activities that the EPA initiates as part of the evaluation of the 2007 NPDES CMS (final document anticipated during FY2013).</li> <li>Implement the guidance resulting from the compliance monitoring national dialogue on what activities count as “compliance monitoring” under the 2007 NPDES CMS.</li> </ul>
Page #	Revision of CWA Measure
Appendix 1, page 4	<p><b>Key Change: Revision of ACS measure CWA07.</b></p> <p>For FY 2015, OECA updated measure CWA07 to ensure consistency with proposed revisions to the CWA CMS.</p> <p><b>Activities:</b> For FY 2015, OECA revised CWA07 to read as follows, with the new language underlined:</p> <p>“By December 31, <u>2014</u>, provide to OECA a specific NPDES Compliance Monitoring Strategy (CMS) plan for each authorized state in the region and a regional plan wherever EPA direct implementation occurs (i.e., non-authorized states, territories, Indian country, pretreatment, etc.), targeting the most significant sources with potential to impact water quality. Each <u>CMS</u> plan should <u>be developed in accordance with the guidelines in Part 1 of the 2014 revised CMS. Any proposed alternative CMS plan should be provided to OECA for consultation and review by August 15, 2014.</u> <del>provide: (1) universe information for the CMS categories and sub-categories; (2) expected accomplishments for each category and subcategory (e.g., number of EPA inspections and number of</del></p>

	<p>state inspections); and (3) explanation of trade-offs made among the categories utilizing the flexibilities in the 2007 NPDES CMS policy and any amendments or further guidance as a result of the national dialogue on compliance monitoring under the NPDES CMS.</p> <p>By December 31, <u>2015, or a later date, if one is negotiated through the ACS process</u>, provide for each state and direct implementation area, a numerical end of year report on EPA and state inspection plan outputs, by category and subcategory. To increase the transparency of NPDES inspection data, OECA will make this data available to the public.”</p>
<b>Page #</b>	<b>Approach to Greenhouse Gas Reporting Program</b>
23, 24	<p><b>Key Change:</b> Green House Gas (GHG) Reporting Program. OECA updated the reference to the GHG Reporting Program.</p> <p>EPA reviews and addresses GHG Reporting Program noncompliance issues on an annual basis and updates its annual national approach accordingly. Due to the current high rate of compliance with the GHG reporting rule, for FY 2015, any GHG reporting noncompliance issues will be addressed on a case-by-case basis by the EPA regions. See affected activities below.</p> <p><b>Activities:</b> The current introductory description on page 23 of the FY 2014 NPM Guidance was shortened to read, “The CAA compliance assurance and enforcement activities, described below, should be implemented to help ensure compliance with the CAA and implementing regulations.”</p> <p>The first bullet on page 24 of the FY 2014 NPM Guidance which addresses regional activities was updated to read:</p> <ul style="list-style-type: none"> <li>• Work collaboratively with OECA and OAR to identify and address, as appropriate, noncompliance issues that arise in the Greenhouse Gas (GHG) Reporting Program.</li> </ul>
<b>Page #</b>	<b>CAA Compliance Monitoring Strategy</b>
23, 25	<p><b>Key Change: Revision of CAA Compliance Monitoring Strategy (CMS).</b></p> <p>OECA revised the CAA CMS to expand upon the flexibility provided to states/locals/tribes when conducting compliance monitoring activities to further promote the use of a variety of techniques for determining compliance and addressing local air pollution and compliance concerns.</p> <p><b>Activities:</b> As discussed in the revised CAA CMS, when completing a full or partial compliance evaluation, state, local and tribal agencies should, where appropriate and feasible, utilize advanced monitoring technologies to detect and document emissions and record ambient conditions. The use of advanced emissions/pollutant detection technology is valuable as a screening tool to identify</p>

	pollution problems but also may be useful to identify and measure noncompliance. Examples of such technologies include infrared cameras, fence line monitors, sensor network-based leak detection systems, mobile methane monitors, and photo ionization detectors.
<b>Page #</b>	<b>CAA06 ACS Measure</b>
Appendix 1, page 5	<p><b>Key Change: Clarification of CAA06 ACS Measure</b></p> <p>For purposes of clarity, OECA updated the language in ACS Measure CAA06 to indicate when a commitment is pursuant to an approved alternative plan.</p>
	<p><b>Activities:</b> For FY 2015, OECA revised CAA 06 to read as follows, with the new language underlined:</p> <p>Ensure that delegated state, tribal and local agencies implement their compliance and enforcement programs in accordance with the CAA CMS and have negotiated facility-specific CMS plans in place. The regions are to provide the number of FCEs at majors and 80% synthetic minors to be conducted by individual state/local agencies to demonstrate program implementation consistent with CMS. However, if a delegated agency negotiates with a region an alternative CMS plan or alternative activities (pursuant to the CAA CMS national dialogue), this commitment should reflect the alternative plan. [Note: Break out evaluation and activity projections (e.g., FCEs; PCEs included in alternative plan) by source classification. <u>Please indicate when a commitment is pursuant to an approved alternative plan.</u>] Prior to approving an alternative plan, regions should consult with the Office of Compliance (OC) and provide OC with information on how the state, tribal or local agency compliance monitoring air resources will be redirected and the rationale for making the change.</p>
<b>Page #</b>	<b>Elimination of OSRE Measure</b>
Deleted reference from page 28 (top) and Appendix 1, page 8	<p><b>Key Change: Elimination of Measure OSRE 04.</b></p> <p>OSRE is proposing to retire, beginning in FY 2015, the ACS Measure OSRE 04, which requires EPA regions to ensure that two financial assurance instruments for corrective action are reviewed per state. This commitment was created as part of OECA's Enforcement Priority for financial assurance which ended in FY 2010. Since financial assurance (FA) has returned to the EPA regions' core functions, it appears that corrective action FA is being monitored and reviewed consistently and we don't need a separate ACS measure on this topic..</p>
	<p><b>Activities:</b> For FY 2015, OECA deleted the reference to measure OSRE 04 in the measures section on page 28 and in appendix 1, page 8, in the FY 2014 NPMG. See the next section on expanded ACS measure RCRA-01 which reflects that corrective action financial responsibility is part of EPA's RCRA core program.</p>



Page #	Expansion of RCRA Measure to Address Corrective Action Financial Responsibility
Appendix 1, pages 5-6	<p><b>Key Change: Revision of Measure RCRA 01.</b></p> <p>OECA updated measure RCRA01 because corrective action financial responsibility is addressed as part of the RCRA core program and measure OSRE 04 was eliminated for FY 2015.</p>
	<p><b>Activities:</b> For FY 2015, OECA revised RCRA 01 to read as follows, with the new language underlined:</p> <p>“Project by state, and Indian Country where applicable, the number of operating non-governmental TSDFs, to be inspected by the region during the year. Regions must commit to inspect at least two (2) TSDFs in each state or Indian country unless OECA approves a deviation from this requirement, <u>as indicated in the initial OECA opening bid. For example, deviations are given for states with small universes where it might not make sense for a Region to inspect two TSDFs per year.</u> Financial responsibility is an important component of the RCRA core program and evaluating compliance with 40 CFR Parts 264/265 Subpart H and corrective action financial responsibility <u>if applicable, should be included as part of the inspection of each TSDF (although such evaluations do not have to occur at the same time nor be conducted by the same people who conduct the field inspections).</u> <u>If a Region determines that there are unique circumstances in the Region or with a particular TSDF, the Region may contact Headquarters to discuss undertaking a detailed evaluation of compliance with 40 CFR Parts 264/265 Subpart H at another TSDF. should be included in the RCRA core program inspections.</u> Regions must commit to inspect at least the same number of financial assurance instruments at RCRA operating facilities as the region inspects for operating CEIs. Once a region exceeds the number of CEIs and FA instrument reviews from the final agreed upon bid, any additional CEIs will not require a corresponding FA instrument review. <u>The determination of which financial assurance instruments to review should take into account the potential risk posed by the facility, the type of financial assurance instrument provided by the facility, and whether the financial assurance instrument has been previously reviewed and is the same type of instrument (this does not apply to the financial test, which may be reviewed each year).</u> <u>The review of financial assurance instruments is for RCRA Subtitle C closure and post-closure and includes corrective action if there is a corrective action obligation at the facility under review.”</u> <u>at those priority facilities that may pose risk for environmental harm. (These facilities may be independent of the on-site operating TSD inspections under this commitment.</u>“</p>
Page #	Clarification of RCRA Measure 02.s
Appendix 1, page 7	<p><b>Key Change: Revision of Measure RCRA 02.s.</b></p> <p>OECA updated measure RCRA02.s to clarify that the region should identify in the comment field for RCRA 02.s any state that is following an approved alternative plan and a breakout of the inspection numbers in the plan.</p>

	<p><b>Activities:</b> For FY 2015, OECA revised RCRA 02.s to read as follows, with the new language underlined: Project by state the number of LQGs to be inspected by the state during the year. At least 20 percent of the LQG universe should be covered by combined federal and state inspections unless an alternative plan is approved under the RCRA CMS. <u>The region should identify in the “Comment” field of BAS any state that is following an approved Alternative Plan and a breakout of the inspection numbers in the plan.</u></p>
<b>Page #</b>	<b>Community Engagement Initiative</b>
40	<p><b>Key Change: Clarification of Community Engagement Initiative</b></p> <p>For purposes of clarity and to more fully explain the Community Engagement Initiative, OECA is revising the last bullet in the regional activities section on page 40 of the FY 2014 NPM Guidance. The current bullet reads as follows:</p> <ul style="list-style-type: none"> <li>Implement the Community Engagement Initiative designed to enhance headquarters and regional program engagement with states, tribes, local communities and stakeholders to meaningfully participate in government decisions on land cleanup, emergency response, and the management of hazardous substances and waste. Information can be found at: <a href="http://www.epa.gov/oswer/docs/cei_action_plan_12-09.pdf">http://www.epa.gov/oswer/docs/cei_action_plan_12-09.pdf</a>.</li> </ul> <p><b>Activities:</b> For FY 2015, the last bullet on page 40 will be replaced with the following language:</p> <ul style="list-style-type: none"> <li>During FY 2015, the regions should continue to implement the Community Engagement Initiative (CEI) started in October 2009 to enhance Agency cleanup programs and related regional engagement with local communities. The CEI promotes transparent and accessible decision-making processes and delivery of information that communities can use to easily and meaningfully participate in agency work. Proactive, meaningful engagement with communities helps EPA programs obtain better information about environmental problems and local situations, leading to more effective policies and decisions that can support community goals and plans.</li> </ul>
<b>Page #</b>	<b>Revision of Federal Facilities Measure</b>
Appendix 1, page 4	<p><b>Key Change: Revision of Measure FED-FAC 05.</b></p> <p>The Federal Facilities Enforcement Office (FFEO) recognizes regional resource reductions and wishes to be as flexible as possible with the regions during the FY 2015 ACS commitment bidding process. FFEO is in the process of working with regional federal facilities managers to update ACS measure FED-FAC 05 accordingly.</p>

	<p><b>Activities:</b> FFEO is updating ACS measure FED-FAC 05 for FY 2015 to facilitate flexibility. New language is underlined below.</p> <p>FED-FAC 05: Conduct ten (10) federal facility inspections to support national Integrated Strategy Areas, exploratory categories, official regionally designated priorities or regional enforcement enhancement plans. These 10 inspection commitments can be achieved through any combination of single media or multimedia inspections, with the following limitations: (1) a maximum of four vulnerable community inspections can count toward this goal; and (2) for any multimedia inspection conducted, it shall count as up to four inspections toward this goal if up to four of the individual inspections support the Integrated Strategies and/or official regionally-designated priorities. Further, up to four (4) official regionally-designated priorities can count toward the commitment, if the region determines that inspections up to that number are more desirable than the same number of Integrated Strategy inspections in the region. All of these inspections may simultaneously satisfy inspection commitments required in any National Enforcement Initiative or other core program area. <u>Due to continuing resource constraints, FFEO and the regions are in the process of revisiting this commitment. FFEO will be as flexible as possible in assisting the regions in meeting this vital federal facility commitment.</u></p>						
Page #	Clarification of Concentrated Animal Feeding Operations (CAFO) Measures						
Appendix 1, page 2	<p><b>Key Change: Updated CAFO National Enforcement Initiative (NEI) Measures</b></p> <p><b>Measures:</b> For the CAFO initiative, see ACS measures PBS-CAF002, CAF007 and CAF008 in Appendix I, page 2. (Please see the proposed changes below.)</p> <table> <tr> <td><b>PBS-CAF002</b></td><td>Number of federal AFO/CAFO inspections [<del>total</del> <del>number as well as number in priority areas</del>].</td></tr> <tr> <td><b>PBS-CAF007</b></td><td>Number of federal CAFO addressing actions <del>inside</del> <del>priority areas and in identified states</del>.</td></tr> <tr> <td><b>PBS-CAF008</b></td><td>Submit 1 progress report per federal fiscal year.</td></tr> </table>	<b>PBS-CAF002</b>	Number of federal AFO/CAFO inspections [ <del>total</del> <del>number as well as number in priority areas</del> ].	<b>PBS-CAF007</b>	Number of federal CAFO addressing actions <del>inside</del> <del>priority areas and in identified states</del> .	<b>PBS-CAF008</b>	Submit 1 progress report per federal fiscal year.
<b>PBS-CAF002</b>	Number of federal AFO/CAFO inspections [ <del>total</del> <del>number as well as number in priority areas</del> ].						
<b>PBS-CAF007</b>	Number of federal CAFO addressing actions <del>inside</del> <del>priority areas and in identified states</del> .						
<b>PBS-CAF008</b>	Submit 1 progress report per federal fiscal year.						

## Appendix: FY 2015 Draft ACS Measures

This appendix incorporates all changes to date in OECA's draft FY 2015 measures; the current revisions are underlined on pages 2-6 of this appendix.

ENVIRONMENTAL PROTECTION AGENCY Office of Enforcement and Compliance Assurance FY 2015 NPM GUIDANCE MEASURES APPENDIX						
G/ O/ S*	ACS Code	Measure Text	Non- Commitment Indicator (Y/N)	State Performance Measure (Y/N)	Planning Target <sup>3</sup>	National Target (FY 2015 Pres. Bud)
5	<b>PBS- ATX03</b>	Number of facilities evaluated for compliance within the national focus areas.	N	N	Y	N
5	<b>PBS- ATX04</b>	Number of addressing actions at facilities within the national focus areas.	N	N	Y	N
5	<b>PBS- NSR01</b>	Number of NSR/PSD investigations of cement plants.	N	N	Y	N
5	<b>PBS- NSR02</b>	Number of investigation completion reports or referrals to DOJ for cement plants.	N	N	Y	N
5	<b>PBS- NSR03</b>	Number of NSR/PSD investigations of glass manufacturing plants.	N	N	Y	N
5	<b>PBS- NSR04</b>	Number of completion reports or referrals to DOJ for glass manufacturing plants.	N	N	Y	N
	<b>PBS-</b>	Number of NSR/PSD investigations of nitric and/or sulfuric	N	N	Y	N

<sup>3</sup> Annual Commitment System (ACS) planning targets for FY 2015 are negotiated between the EPA regions and headquarters during 2014. For the measures which encompass state activities, the EPA regions coordinate with the affected states on the planning targets as applicable.

5	<b>NSR05</b>	acid plants.				
5	<b>PBS-NSR06</b>	Number of investigation completion reports or referrals to DOJ for nitric and/or sulfuric acid plants.	N	N	Y	N
5	<b>PBS-NSR07</b>	Number of NSR/PSD investigations of coal-fired electric utilities.	N	N	Y	N
5	<b>PBS-NSR08</b>	Number of completion reports or referrals to DOJ for coal-fired electric utilities.	N	N	Y	N
5	<b>PBS-NSR09</b>	Number of facilities reviewed for prospective projects that trigger NSR.	N	N	Y	N
5	<b>PBS-M105</b>	Number of Phase 1 municipal separate storm sewer system permit assessments conducted.	N	N	Y	N
5	<b>PBS-M106</b>	Number of civil judicial referrals and/or addressing actions for sanitary sewer systems (SSS) with total treatment capacity $\geq 10$ mgd.	N	N	Y	N
5	<b>PBS-M107</b>	Number of civil judicial referrals and /or addressing actions for CSS communities serving populations $\geq 50,000$ .	N	N	Y	N
5	<b>PBS-M108</b>	Number of civil judicial referrals and/or addressing actions for Phase I and II MS4s.	N	N	Y	N
5	<b>PBS-CAF002</b>	Number of federal AFO/CAFO inspections <del>(total number as well as number in priority areas).</del>	N	N	Y	N
5	<b>PBS-CAF007</b>	Number of federal CAFO addressing actions <del>inside priority areas and in identified states.</del>	N	N	Y	N
5	<b>PBS-CAF008</b>	Submit 1 progress report per federal fiscal year.	N	N	Y	N
5	<b>PBS-MNP05</b>	Number of targeted mines, mineral processing facilities, or both, inspected.	N	N	Y	N
	<b>PBS-</b>	Number of compliance evaluations/inspections conducted in any media at land-based natural gas extraction and	N	N	Y	N

5	<b>EE01</b>	production sites (e.g., wells, compressor stations, gas plants), and at disposal sites (e.g., injection wells, lagoons, ponds, land application).				
5	<b>PBS-EE03</b>	Number of land-based natural gas extraction and production addressing actions.	N	N	Y	N
5	<b>SDWA02</b>	<p>During <u>FY 2015</u>, the primacy agency must address with a formal enforcement action or return to compliance the number of priority systems equal to the number of its PWSs that have a score of 11 or higher on the July 2014 ETT report. State, territory and tribal breakouts shall be indicated in the comment field of the Annual Commitment System.</p> <p>Please note: A primacy agency's success at addressing violations will be tracked by means of the quarterly ETT reports. Numerical targets may be adjusted at mid-year. While it remains the ERP's goal that all of a priority system's violations will be returned to compliance, a primacy agency has met its commitment under the <u>2015 SDWA ACS</u> measure with respect to a priority system if the score for that system has been brought below, and remains below, eleven.</p>	N	Y	Y	N
5	<b>SRF01</b>	<p><u>Finalize all Round 3 SRF reports for state CAA, CWA and RCRA enforcement programs scheduled for calendar year 2014 no later than December 31, 2014 (first quarter of FY 2015). By September 30, 2015, complete draft reports for all Round 3 SRF reviews scheduled for calendar year 2015. (Final reports are to be completed by December 31, 2015 (first quarter of FY 2016).)</u> Regions in FY 2013 developed a plan to complete all Round 3 state reviews by the end of calendar year <u>2017</u>. OC and OWM will hold annual discussions with regions to establish whether any modifications to the schedules are necessary.</p>	N	N	Y	N
5	<b>EJ01</b>	<p>Percentage of non-exempt cases brought by the EPA in areas determined by the EPA to have potential EJ concerns. [Note: While we are tracking this measure, there is no specific target number or trend we expect to achieve. EJ is one of many factors the Agency considers in bringing an enforcement action.]</p>	Y	N	N	N

5	<b>FED-FAC05</b>	Conduct ten (10) federal facility inspections to support national Integrated Strategy Areas, exploratory categories, official regionally designated priorities or regional enforcement enhancement plans. These 10 inspection commitments can be achieved through any combination of single media or multimedia inspections, with the following limitations: (1) a maximum of four vulnerable community inspections can count toward this goal; and (2) for any multimedia inspection conducted, it shall count as up to four inspections toward this goal if up to four of the individual inspections support the Integrated Strategies and/or official regionally-designated priorities. Further, up to four (4) official regionally-designated priorities can count toward the commitment, if the region determines that inspections up to that number are more desirable than the same number of Integrated Strategy inspections in the region. All of these inspections may simultaneously satisfy inspection commitments required in any National Enforcement Initiative or other core program area. <u>Due to continuing resource constraints, FFEO and the regions are in the process of revisiting this commitment. FFEO will be as flexible as possible in assisting the regions in meeting this vital federal facility commitment.</u>	N	N	100 federal facility inspections nationally	N
5	<b>CWA07</b>	By December 31, 2014, provide to OECA a specific NPDES Compliance Monitoring Strategy (CMS) plan for each authorized state in the region and a regional plan wherever EPA direct implementation occurs (i.e., non-authorized states, territories, Indian country, pretreatment, etc.), targeting the most significant sources with potential to impact water quality. Each <u>CMS plan should be developed in accordance with the guidelines in Part 1 of the 2014 revised CMS. Any proposed alternative CMS plan should be provided to OECA for consultation and review by August 15, 2014. provide: (1) universe information for the CMS categories and sub-categories; (2) expected accomplishments for each category and subcategory (e.g., number of EPA inspections and number of state inspections); and (3) explanation of trade-offs made among the categories utilizing the flexibilities in the 2007 NPDES CMS policy and any</u>	N	N	Y	N

		<p><del>amendments or further guidance as a result of the national dialogue on compliance monitoring under the NPDES CMS.</del></p> <p>By December 31, <u>2015, or a later date, if one is negotiated through the ACS process,</u> provide for each state and direct implementation area, a numerical end of year report on EPA and state inspection plan outputs, by category and subcategory. To increase the transparency of NPDES inspection data, OECA will make this data available to the public.</p>				
5	CAA04	<p>The number of compliance evaluations to be conducted by the regions at majors sources, 80% synthetic minors, and other sources (as appropriate). [Note: Region should break out evaluation projections by source classification and by compliance monitoring category (FCE, PCE, and Investigations).] Projected investigations under this commitment are those investigations initiated by the regions for the air enforcement program outside of the National Enforcement Initiatives, and identified by the air program (e.g., MACT, NSPS).</p>	N	N	Y	N
5	CAA06	<p>Ensure that delegated state, tribal and local agencies implement their compliance and enforcement programs in accordance with the CAA CMS and have negotiated facility-specific CMS plans in place. The regions are to provide the number of FCEs at majors and 80% synthetic minors to be conducted by individual state/local agencies to demonstrate program implementation consistent with CMS. However, if a delegated agency negotiates with a Region an alternative CMS plan or alternative activities (pursuant to the CAA CMS national dialogue), this commitment should reflect the alternative plan. [Note: Break out evaluation and activity projections (e.g., FCEs; PCEs included in alternative plan) by source classification. <u>Please indicate when a commitment is pursuant to an approved alternative plan.</u>] Prior to approving an alternative plan, regions should consult with the Office of Compliance (OC) and provide OC with information on how the state, tribal or local agency compliance monitoring air resources will be redirected and the rationale for making the change.</p>	N	Y	Y	N



5	RCRA01	<p>Project by state, and Indian Country where applicable, the number of operating non-governmental TSDFs, to be inspected by the region during the year. Regions must commit to inspect at least two (2) TSDFs in each state or Indian country unless OECA approves a deviation from this requirement, <u>as indicated in the initial OECA opening bid. For example, deviations are given for states with small universes where it might not make sense for a Region to inspect two TSDFs per year.</u> Financial responsibility is an important component of the RCRA core program and evaluating compliance with 40 CFR Parts 264/265 Subpart H and corrective action financial responsibility <del>if applicable, should be included as part of the inspection of each TSDF (although such evaluations do not have to occur at the same time nor be conducted by the same people who conduct the field inspections).</del> If a Region determines that there are unique circumstances in the Region or with a particular TSDF, the Region may contact Headquarters to discuss undertaking a detailed evaluation of compliance with 40 CFR Parts 264/265 Subpart H at another TSDF. <u>should be included in the RCRA core program inspections. Regions must commit to inspect at least the same number of financial assurance instruments at RCRA operating facilities as the region inspects for operating CEIs. Once a region exceeds the number of CEIs and FA instrument reviews from the final agreed upon bid, any additional CEIs will not require a corresponding FA instrument review. The determination of which financial assurance instruments to review should take into account the potential risk posed by the facility, the type of financial assurance instrument provided by the facility, and whether the financial assurance instrument has been previously reviewed and is the same type of instrument (this does not apply to the financial test, which may be reviewed each year). The review of financial assurance instruments is for RCRA Subtitle C closure and post-closure and includes corrective action if there is a corrective action obligation at the facility under review. <del>at those priority facilities that may pose risk for environmental harm. (These facilities may be independent of the on-site operating TSD inspections under this commitment.</del></u></p>	N	N	Minimum of 100 TSDFs nationally	N
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5	<b>RCRA01.s</b>	<p>Project by state the number of operating TSDFs to be inspected by the state during the year.</p> <p>Note: Only one inspection per facility counts towards this coverage measure. The RCRA CMS establishes minimum annual inspection expectations for TSDFs. At least 50 percent of the operating non-governmental TSDFs in the state must be inspected annually. The onsite inspections for RCRA01 and RCRA01.s should be CEIs. Completing the commitment includes evaluating compliance with the financial assurance requirements, 40 CFR Parts 264/265 Subpart H. Financial responsibility is an important component of the RCRA core program and should be included as part of the inspection of each TSDF (although the financial responsibility reviews do not have to occur at the same time nor be conducted by the same people who conduct the field inspections).</p>	N	Y	Y	N
5	<b>RCRA02</b>	<p>Project by state and Indian country, the number of LQGs, including those at federal facilities, to be inspected by the region during the year. Each region must commit to inspect at least six (6) LQGs in each state, and 20% of the region's LQGs universe in Indian country, unless OECA approves a deviation from this requirement. For example, deviations are given for states with small universes where it doesn't make sense for a region to inspect 6 LQGs per year or 20% of the region's LQG universe in Indian country. Regions should select at least 2 of the region's total LQG inspections at facilities described in the high priority section as areas of emerging environmental concern. Regions may work with OECA to coordinate these inspections, including whether the inspection will be conducted at a TSDF or LQG. In the Comment Section, provide the number of federal facility LQG inspections.</p>	N	N	Minimum of 300 LQG inspections nationally and 20% of LQGs in Indian Country	N
5	<b>RCRA02.s</b>	<p>Project by state the number of LQGs to be inspected by the state during the year. At least 20 percent of the LQG universe should be covered by combined federal and state inspections unless an alternative plan is approved under the</p>	N	Y	Y	N

		RCRA CMS. <u>The region should identify in the “Comment” field of BAS any state that is following an approved Alternative Plan and a breakout of the inspection numbers in the plan.</u>				
5	<b>RCRA03</b>	Inspect each operating TSDF operated by states, local, or Tribal governments.	N	N	Y	N
5	<b>HQ-VOL</b>	Volume of Contaminated Media Addressed (VCMA). As part of the Goal 5 sub-objective, Support Cleaning up Our Communities, the following is the GPRA target: <i>By 2015, obtain commitments to clean up 1.5 billion cubic yards of contaminated soil and groundwater media as a result of concluded CERCLA and RCRA corrective action enforcement actions.</i>  OECA has reported VCMA for contaminated soil and groundwater media as separate measures in its annual results since 2004. The GPRA target is a national target and regions are not required to post commitments in ACS.	N	N	200 million cubic yards	N
5	<b>TSCA 01OC</b>	Project the total number of FY 2015 TSCA inspections. In the comment field of the Annual Commitment System (ACS), the region shall break out the number of projected inspections by TSCA program area (LBP, PCBs, Asbestos, New and Existing Chemicals). <i>Note: For the reasons discussed in the executive summary, the LBP component of this TSCA ACS commitment (TSCA 01OC) will serve as OECA’s FY 2015 measure of compliance work being done to protect children's health.</i>	N	N	Y	N
5	<b>TSCA 02OC</b>	Report other compliance monitoring activities at the end of the year; and break-out the description of other such activities by TSCA program area. (See the CMS for more details).	Y	N	N	N
5	<b>FIFRA-FED1</b>	Project regional (federal) FIFRA inspections. Each region should conduct a minimum of ten (10) FIFRA inspections. In the Comment Section, provide the number of federal facility inspections.	N	N	Minimum of 100 FIFRA federal inspections nationally	N
	<b>OSRE-01</b>	Reach a settlement or take an enforcement action by the start	N	N	99 percent	N

5		of remedial action at 99% of non-federal Superfund sites that have viable, liable parties.				
5	<b>OSRE-02</b>	Address all unaddressed costs in Statute of Limitations cases for sites with total past Superfund costs via settlement, referral to DOJ, filing a claim in bankruptcy, or where appropriate write-off.	N	N	100 percent of cases equal to or greater than \$500,000 in value	N
5	<b>EPCRA 01</b>	Conduct at least four (4) EPCRA 313 data quality inspections.	N	N	Minimum of 40 nationally	N
5	<b>EPCRA 02</b>	Conduct at least twenty (20) EPCRA 313 non-reporter inspections (and/or other compliance monitoring activities as determined by the compliance monitoring national dialogue).	N	N	Minimum of 200 nationally	N

*\*Goal/Objective/Sub-Heading*