

**Office of Enforcement and Compliance Assurance
National Program Guidance**

Fiscal Years 2020-2021

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SECTION 1. INTRODUCTION

This FY 2020-2021 National Program Guidance for the Office of Enforcement and Compliance Assurance (OECA) is a preliminary planning document and reflects the information currently available regarding specific programmatic commitments and activities. It identifies the national compliance and enforcement activities that the U.S. Environmental Protection Agency (EPA or the Agency) and state, territory, local, and tribal government agencies should perform in FY 2020-2021 consistent with the budget and the Administrator's priorities. In developing this guidance, OECA reviewed and considered the state, tribal, and territorial priorities identified through the Regional Administrator-led early engagement and additional program-specific early engagement. The "[EPA Overview to the National Program Guidance](#)" communicates important background and agency-wide information and should be read in conjunction with this FY 2020-2021 OECA National Program Guidance.

The EPA is strengthening our relationship with the states, territories, federally recognized Indian tribes and local governments that are authorized to implement federal environmental program to ensure that we deliver on our shared commitment to a clean and healthy environment. This collaboration emphasizes use of the full range of the EPA's compliance assurance tools, such as helping regulated entities understand their compliance obligations, helping facilities return to compliance through informal actions, building state capacity, supporting state actions, bringing Federal civil administrative actions, and bringing Federal civil or criminal judicial enforcement actions. The EPA is working to augment the compliance assurance tool box to enhance efficiency, reduce burden on the regulated community, and improve environmental outcomes.

This document describes OECA's efforts to collaborate with states, territories, tribes and local governments as we implement cooperative federalism. A true partnership and shared governance among OECA, regions and authorized states, territories, tribes or local governments is critical for the EPA to achieve its strategic measures. Cooperative federalism, however, does not mean that the EPA will ignore noncompliance. The EPA retains enforcement authority and will use it if states, territories, tribes or local governments lack the authority, capability, or will to take timely and appropriate action to protect public health and the environment. By adhering to the rule of law and proper processes, the EPA will ensure consistency, certainty and a level playing field for the regulated community across the country. This document includes a description of activities and tools that are available to the EPA, states, territories, tribes and local governments to ensure compliance with environmental law.

SECTION II. STRATEGIC PLAN IMPLEMENTATION

A. OECA's Key Activities to Promote Environmental Compliance through Cooperative Federalism

1. Guidance on Enhancing EPA-State Planning

In 2018, OECA's Assistant Administrator (AA) issued the [Interim OECA Guidance on Enhancing Regional-State Planning](#) to help move the Agency toward a more collaborative partnership between the EPA and authorized states, with the expectation that the guidance would be later updated. After more than a year of implementing the Interim Guidance, the states and Regional Offices have gained valuable experience in enhancing regional-state planning and communication on compliance work in authorized programs. OECA is in the process of revising the Interim Guidance and is now considering public input on a draft replacement: [Enhancing Planning and Communication Between the EPA and States in Civil Enforcement and Compliance Assurance Work](#).

This new policy statement, which is expected to be issued in its final form by the end of FY 2019, would replace the Interim Guidance and would set out expectations and procedures for enhancing planning and communication on civil enforcement work between the EPA and states that are implementing federal environmental programs. Although this policy is focused on the EPA's work with states that are approved to implement federal programs, the EPA will also strive to follow these planning and communication practices when working with federally-recognized Indian tribes, territories, and local governments that have received approval to implement federal programs.

2. Collaboration with States, Territories, and Tribes

The EPA, states, territories, tribes, and some local government and federal agencies share responsibility for protecting human health and the environment. Most major federal environmental laws require the EPA to establish minimum, nationwide program standards, and give the EPA the authority to authorize states, territories, and tribes to implement these programs.

The EPA is working closely with states (individual states and through associations representing state environmental officials) and tribes with approved programs to develop new compliance tools and approaches to make our programs more effective and efficient in promoting compliance and remedying violations. During 2018, the ECOS-EPA Compliance Assurance Workgroup, composed of state commissioners and senior EPA officials, met to develop ways to improve the state-federal relationship in the context of compliance assurance. The principles articulated by this workgroup helped the EPA enhance state involvement in the identification and implementation of National Compliance Initiatives and informed the January 2018 Interim Guidance and will inform successor guidance.

Other collaborative efforts with ECOS include: producing webinars to help us identify new compliance approaches that we could then pilot and evaluate; developing smart mobile tools to make our inspectors more efficient and effective; increasing availability of training; and expanding electronic reporting in the NPDES program to reduce burdens and improve outcomes.¹

3. State Assists

The EPA began piloting the tracking of State Assists in 2018 to account for the work we do in assisting state compliance assurance programs. This effort will continue as a component of the EPA's Enforcement program for Fiscal Years 2020 and 2021.² State Assists are limited to instances where the Region has expended a meaningful level of effort to identify the violation, developed the injunctive relief, and/or helped the state take an action to remedy the violation. In short, a State Assist is any instance where the state would not have taken an action without the EPA's help. There are four general situations in which a Region would record a "State Assist":

- The EPA, via an inspection, information request, and/or other activity has identified likely violations at a facility and the state explicitly requests the opportunity to address the violations under the EPA's planning and communications policy.³ These are instances where,

¹ For more information on a broader range of collaborations between OECA and ECOS, see Compendia of Next Generation Compliance Examples in Water, Air, Waste, and Cleanup Programs.

² See [Procedures for Measuring Regions' "State Assists" that Help Remedy Violations](#), (May 31, 2019)

³ See [Interim OECA Guidance on Enhancing Regional-State Planning and Communication on Compliance Assurance Work in Authorized States](#) (Jan. 22, 2018) or successor guidance.

if the state had not requested the lead, the EPA would have generally initiated an enforcement action.

- The EPA would record a State Assist when the EPA proactively refers a matter to a state as the more appropriate entity to address a violation and the state agrees to pursue the matter. In the case of a joint EPA-State inspection, if the EPA writes the inspection report and the state takes the action, the EPA would record the matter as a State Assist.
- The EPA would record a State Assist when a state had identified and had been working to correct a violation but had not been able to reach a timely and appropriate resolution without the EPA's meaningful involvement.
- The EPA would record a State Assist where federal efforts in investigating and developing criminal cases ultimately led to the case being pursued by a state.

4. State and Tribal Capacity Building

The EPA will continue to provide training opportunities to state, local and tribal civil and criminal investigators, inspectors, case development specialists, lawyers, and technical experts to assist in the enforcement and compliance monitoring of environmental laws. These training opportunities help with the development of a highly skilled, professional enforcement and compliance workforce. An experienced and trained workforce can help drive improvement in programs and contribute to improved environmental results and compliance. Building capacity will improve state and tribal ability to use the broad range of compliance assurance tools to reduce noncompliance, ensure consistent implementation of environmental requirements, deter violators, and reduce environmental impacts.

The EPA will continue to provide tools and training to build state and tribal government capacity for enforcement, compliance monitoring, and compliance assurance with environmental laws. For example, the EPA will continue to provide access to eLearning courses required for inspector credentials, eLearning courses to increase knowledge of environmental laws and obligations, and skills training courses, such as negotiations. The EPA will also provide webinars and skills training on other areas of interest, such as innovative compliance research and financial models for assessing civil penalties.

The EPA will work closely with its partners to identify areas of interest, assess subject matter training needs, and develop new tools and training courses to build capacity. Given its limited resources and travel budgets, the EPA plans to develop a suite of training options, to include in-person courses, eLearning, and webinar presentations. In addition, the EPA may identify state capacity-building opportunities through joint inspections with its state partners of regulated entities. Such shared efforts often provide on-the-job field training of state personnel. State capacity will also continue to be enhanced through EPA oversight inspections and review of state-lead compliance activities. Routine oversight of state programs provides input to state leadership enabling a constructive dialogue for continuous improvement.

5. Tribal Government Collaboration and Consultation

The EPA plans to continue collaborating with federally-recognized Indian tribes (tribes) to assure compliance in Indian country to protect human health and the environment. The collaboration occurs both when the EPA directly implements compliance monitoring and enforcement programs (e.g., where a tribe has not been approved to implement a federal program) and when the EPA

oversees a tribe or tribes implementing EPA-approved programs.⁴ EPA-tribal collaboration and consultation, when appropriate, occurs within the context of the generally applicable federal environmental statutes and regulations and EPA policies, including the “[Interim Guidance](#)” or successor guidance, as discussed earlier. In addition, EPA-tribal collaboration occurs within the context of federal Indian law and the unique Agency policies applicable to Indian country and tribes, including the [Policy for the Administration of Environmental Programs on Indian Reservations](#) (Indian Policy), [Policy on Consultation and Coordination With Indian Tribes](#), the [Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy](#) (Tribal Enforcement Guidance), EPA-Tribal Environmental Plans (ETEPs) which outline EPA and tribal priorities for each tribe, and Region-specific policies applicable to Indian country. The collaboration takes place both with individual tribes and with EPA-tribal partnership groups.

B. OECA’s Key Activities to Meet Strategic Measure Targets

OECA is aligning its priorities and activities to reflect the Agency’s FY 2018-2022 Strategic Plan objectives. The enforcement and compliance assurance program supports the Agency goals of addressing air quality nonattainment areas, impaired waters, public health threats posed by drinking water noncompliance, populations vulnerable to air toxics or chemical accidents, and children’s health exposure to lead. To support these goals, OECA will focus on addressing noncompliance in these areas and advancing the EPA’s two long term enforcement-related strategic measures: (1) reduce the average time from violation identification to correction; and (2) increase the environmental law compliance rate. OECA will track its progress in advancing these strategic measures by implementing a set of monthly and quarterly measures. These measures are described in this section and can also be found in Section IV.

1. Reduce the average time from violation identification to correction

OECA has established two performance measures for tracking its timeliness to resolve environmental violations. The first measure establishes standards for the timely completion and release of EPA inspection reports to facilities and the public, including any potential deficiencies or areas of concern observed during an on-site inspection. These standards were established under the June 29, 2018, Interim Policy on Inspection Report Timeliness and Standardization (Interim Policy). The EPA anticipates that the policy will be evaluated and finalized by FY 2020. The Interim Policy will remain in effect until it is finalized. Regions should follow the Interim Policy and then the revised Final Policy in FY 2020 and FY 2021. In the second measure, OECA and regions are tracking the number of civil judicial enforcement cases referred to the Department of Justice without a settlement or complaint filed after 2.5 years. The purpose of this measure is to drive the prompt resolution of civil cases that are referred to the Department of Justice.

2. Increase the environmental law compliance rate

a. *NPDES SNC Rate Measure*

In the FY 2018-2022 EPA Strategic Plan, the EPA identified a new priority to increase compliance with environmental laws. The Strategic Plan states: “To maximize compliance over the next five years, the Agency will refocus efforts toward areas with significant noncompliance issues and

⁴ See EPA’s [Tribal Assumption of Federal Laws -Treatment as a State](#) homepage for background information and the names of tribes with Agency-approved programs.

where enforcement can address the most substantial impacts to human health and the environment.” This focus on increasing compliance and environmental outcomes is also a priority for states. The EPA selected the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) as the first program for initiating the effort to increase compliance rates, setting a goal of reducing the rate of significant noncompliance (SNC), which includes Category I violations at NPDES minor permittees, in the NPDES program by 50% by the end of FY 2022. The EPA will measure success based on the results obtained—a reduction in the rate of permittees in SNC.

Environmental protection is a shared responsibility among the states, tribes, local government, and the federal government, and the goal of increasing the compliance rate for the NPDES program can be achieved only with substantial, collaborative efforts. The EPA recognizes the role of authorized states and territories in the NPDES program as the primary implementers and as critical players in the success of this effort. Accordingly, the EPA, at the national and regional levels, will continue working closely with states and territories to develop and implement tools and approaches for preventing, deterring, and addressing SNC, to reach the Agency goals for increasing compliance rates in the NPDES program. The *Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits* National Compliance Initiative will also support this measure (see section II.B.4).

b. EPA on-site compliance monitoring inspections/evaluations

The EPA’s on-site federal compliance monitoring program is a critical component in the Agency’s array of compliance assurance tools due to the deterrent effect. On-site inspections can vary in the depth of the review, including check-list type inspections, process-based inspections, and inspections that include monitoring and sampling. Off-site inspections also are a critical tool for detecting non-compliance. OECA will continue to track the number of onsite and off-site federal inspections/evaluations conducted to enable us to assess facility compliance, create deterrence, support the permitting process, and create a level playing field among regulated entities. Additionally, OECA will continue to measure the number of federal inspections/evaluations conducted to support the National Compliance Initiatives to assure adequate EPA inspection resources are dedicated to these high priority areas.

3. OECA Activities Supporting Other Core Strategic Measures

Effective compliance monitoring and enforcement play a central role in the Agency’s core strategic measures. This section describes three areas of focus that support strategic measures led by other EPA offices. Multiple programs described in section II.C describe OECA’s activities to address air quality nonattainment areas, public health threats posed by drinking water noncompliance, populations vulnerable to air toxics or chemical accidents, and children’s exposure to lead.

a. Reduce the number of Clean Air Act nonattainment areas

Through its compliance monitoring and enforcement activities for the Clean Air Act (CAA) program, the EPA ensures the most important air pollution problems are addressed, with an emphasis on the Agency Priority Goal to improve air quality and reduce the number of nonattainment areas. Specifically, in support of this measure, the EPA will focus on sources that are located in nonattainment areas or that contribute to nonattainment areas with significant noncompliance. The EPA’s *Creating Cleaner Air for Communities by Reducing Excess Emissions of*

Harmful Pollutants from Stationary Sources, Reducing Hazardous Air Emissions from Hazardous Waste Facilities, and Stopping Aftermarket Defeat Devices for Vehicles and Engines National Compliance Initiatives (NCIs) will support this measure (see section II.B.4).

b. *Reduce the number of community water systems (CWSs) out of compliance with health-based standards*

In support of this measure, the EPA will work with states and tribes to ensure: (1) community water systems are complying with SDWA and its implementing regulatory requirements; (2) those systems that are subject to civil judicial consent decrees and administrative orders are in compliance with them; (3) EPA guidance and policies are consistently implemented; and, (4) the overall integrity of the PWS program is maintained. The EPA's *Reducing Noncompliance with Drinking Water Standards at Community Water Systems* NCI will support this measure. The NCI will focus on the EPA working jointly with states to identify how we can collaborate to use our resources more effectively and efficiently to focus efforts where they can make the biggest difference as we work together to increase compliance with primary drinking water standards thus improving public health protection at CWSs most at risk (see section II.B.4 for more information on FY 2020 – 2023 NCIs).

c. *Reduce the number of square miles of watershed with surface water not meeting standards*

Through its compliance monitoring and enforcement activities for the CWA NPDES program, the EPA ensures that important water quality problems are addressed. The EPA further supports this measure through its focused effort to reduce significant noncompliance at individually-permitted facilities in the NPDES program. The EPA will work with state and tribal partners to use the full range of compliance assurance tools to protect human health and the environment by addressing the most serious noncompliance concerns and thereby improving compliance with the CWA and federal NPDES regulations. In direct implementation programs, the EPA will strategically target pollution problems involving NPDES-regulated point sources with serious violations and potential water quality or human health impacts for compliance monitoring inspections and, where appropriate, enforcement actions. In authorized programs, the EPA will promote adherence to the EPA's NPDES CMS or an approved Alternative CMS.

d. *Lead Action Plan*

Reducing lead is a high priority. To support this effort, OECA participates in the Agency-wide lead initiative. The President's Task Force on Environmental Health Risks and Safety Risks to Children released its Lead Action Plan in December 2018. The enforcement and compliance assurance program will contribute to the Agency's overall efforts to address lead exposure as outlined in the Lead Action Plan. These Agency-wide efforts may include: (1) increasing compliance with—and awareness of the importance of—lead-safe renovations under the Renovation, Repair, and Painting (RRP) rule; (2) developing a mapping tool to identify communities with elevated lead exposures; (3) conducting targeted geographic initiatives; and (4) undertaking public awareness campaigns on lead issues.

4. FY 2020-2023 National Compliance Initiatives

The EPA focuses its enforcement and compliance resources on the most serious environmental and public health problems, as identified in the Agency's Strategic Plan. The EPA refers to high priority areas of focus as National Compliance Initiatives (NCIs). The EPA selected six NCIs for the FY 2020-

2023 cycle. The EPA made these selections after receiving comment during a meaningful engagement process with co-regulators and after receiving public comment. The six NCIs are:

a. Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources

This NCI will focus on reducing emissions of both volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). For VOC emissions, the NCI will focus on significant sources of VOCs that have a substantial impact on air quality and (1) may adversely affect an area's attainment of National Ambient Air Quality Standards (NAAQS) or (2) may adversely affect vulnerable populations. For HAPs, this NCI will focus on sources that have a significant impact on air quality and health in communities.

b. Reducing Hazardous Air Emissions from Hazardous Waste Facilities

This NCI will focus on improving compliance by hazardous waste Treatment, Storage, and Disposal Facilities (TSDFs) and Large Quantity Generators with regulations that control organic air emissions from certain hazardous waste management activities. After initiating this NCI in the last cycle, inspections revealed significant noncompliance and an ongoing need for additional training for both industry and regulators. The Agency has found that air emission violations associated with the improper management of hazardous waste remains widespread.

c. Stopping Aftermarket Defeat Devices for Vehicles and Engines

This NCI will focus on stopping the manufacture, sale, and installation of aftermarket defeat devices on vehicles and engines used on public roads as well as on nonroad vehicles and engines. The CAA prohibits tampering with emissions controls, as well as manufacturing, selling, and installing aftermarket devices intended to defeat those controls. The EPA has found numerous companies and individuals that have manufactured and sold both hardware and software specifically designed to defeat required emissions controls. Illegally-modified vehicles and engines contribute substantial excess pollution that harms public health and impedes efforts by the EPA, tribes, states, and local agencies to plan for and attain air quality standards.

d. Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits

This NCI focuses on increasing the percentage of all NPDES permittees in compliance with their permit (as measured by reducing the rate of permittees in significant noncompliance (SNC)). The NCI will help improve national data accuracy and reduce monitoring, reporting, and effluent violations. This effort furthers the FY2018–FY2022 Agency Strategic Plan, which calls for measurable efforts to increase the environmental law compliance rate. The goal is to reduce by half the national SNC baseline rate of 29.4 percent by the end of FY2022, while assuring that the worst SNC violators are timely and appropriately addressed.

e. Reducing Noncompliance with Drinking Water Standards at Community Water Systems

An initial focus of this NCI is to work with the EPA's Office of Water to increase capacity in states, tribes and the EPA to address drinking water violations. There were health-based violations at seven percent of community water systems (CWSs) in FY2018. This NCI supports the FY2018–FY2022 Agency Strategic Plan, which calls for a 25 percent reduction by the end of FY2022 in the number of CWSs that are out of compliance with health-based standards.

f. Reducing Risks of Accidental Releases at Industrial and Chemical Facilities

The goal of this NCI is to reduce the risk to human health and the environment by decreasing the likelihood of chemical accidents. The EPA has found that many regulated facilities are neither managing adequately the risks they pose nor ensuring the safety of their facilities to protect surrounding communities as required under CAA Section 112(r). Facilities regulated under CAA Section 112(r) are found in every state.

During summer 2019, OECA headquarters and regions will develop implementation frameworks for each NCI and work with states and tribes with authorized programs that want to participate in the development of these frameworks. These implementation frameworks will include approaches to using our full range of compliance assurance tools, including compliance assistance, self-audits, and informal and formal enforcement actions to achieve the goals of each NCI. While compliance assistance will be a component of each implementation framework, formal enforcement will remain an important tool in the NCIs to address serious noncompliance and create general deterrence. Regions will continue to participate in the development and implementation of strategies as we move forward with these NCIs. These NCIs include programs for which many states are authorized as well as programs for which the EPA has direct implementation responsibilities. The EPA and the states should discuss work-sharing and how to make the best collective use of EPA and state resources and expertise to achieve the goals of the NCIs, consistent with the January 22, 2018, [Interim OECA Guidance on Enhancing Regional-State Planning and Communication on Compliance Assurance Work in Authorized States](#), or successor guidance.

C. Key Programmatic Activities

1. Cross Program Activities

a. Compliance Monitoring Strategies

Compliance monitoring is a key foundation of environmental programs and some level of national consistency in approach, scope and coverage is essential for a level playing field. The EPA and states, territories, tribes, and local governments implementing approved programs use national [compliance monitoring strategies](#) (CMSs) for CWA-NPDES, RCRA, CAA, FIFRA, and TSCA programs. The CMSs provide a decision logic and structure for how states and the EPA should target onsite inspections over time to efficiently and effectively create deterrence to noncompliance. Other important forms of compliance monitoring (e.g., self-reporting and third-party reporting) and compliance assistance (e.g., brochures, websites and educational materials) perform vital complementary functions and are most effective as adjuncts to robust field inspection programs as articulated in the CMSs.

The CMSs have evolved over time and may be supplanted with approved alternative strategies to provide co-regulators with flexibility to address local pollution and compliance concerns, while maintaining the basic expectations for national regulatory program integrity. The CMSs improve communication between co-regulators and regions on compliance monitoring programs and provide a consistent and transparent baseline for EPA oversight of these programs (e.g., through the agreed-upon metrics in the State Review Framework). This collaborative ethic is further established in the: [ECOS Guide to Flexibility and Results \(V 1, Oct 2016\)](#).

EPA, State, Territory, Tribal, or Local Government Activities

1. Implement the updated Compliance Monitoring Strategy (CMS) or approved Alternative Compliance Monitoring Strategy (ACMS) as appropriate, for the [CWA-NPDES](#), [RCRA](#), [CAA](#), [FIFRA](#) and [TSCA](#) programs, including for inspections in the federal facilities sector, as resources allow.

b. Data Reporting

Timely, accurate and complete data is critical for the EPA and the public to analyze and understand the state of compliance with environmental regulations. Complete and current data enhances the EPA's ability to identify priorities, and evaluate program needs and effectiveness consistently and appropriately. OECA continues to work to improve data quality. The EPA regions, states, territories and tribes should continue their efforts to ensure timely and accurate entry of compliance and enforcement data into the appropriate national database of record (e.g., ICIS, RCRAInfo, etc.).

c. Tips and Complaints

One of the many approaches the EPA uses to carry out its responsibility to assure compliance with environmental laws is to seek help from citizens by asking them to provide us with information about potentially harmful environmental activities in their communities and workplaces. Members of the public give the EPA such information through telephone hotlines, letters, the EPA's online [Report Environmental Violations form](#), and other mechanisms. The EPA uses these tips and complaints along with its other compliance-monitoring activities to identify areas where compliance and enforcement follow-up is warranted. The EPA will track and prioritize complaints that provide a reasonable basis to believe that a violation has occurred and respond to the highest-risk violations. State, territories, tribes, and localities operating authorized programs should also consider public tips and complaints when performing their compliance and enforcement functions.

d. Environmental Justice

OECA continues to strengthen the integration of environmental justice (EJ) into our enforcement program—the problems we select for enforcement attention, the violating facilities we address, the way we design relief to remedy violations and past harms, and our communications with affected communities. OECA has revised its enforcement and compliance policies, trained our case teams and technical experts, built data tools, and set up a governance structure that actively considers EJ in our regular operations. This ongoing work includes reviewing all new cases to determine whether they may affect overburdened communities and, as appropriate, structuring the resolution of enforcement actions to benefit affected communities. To advance this work, OECA recently added [EJSCREEN](#) map layers to [Enforcement and Compliance History Online](#) (ECHO) to help Regions and co-regulators (states, tribes and local government) focus compliance reviews on overburdened communities. This innovation will assist the Agency in identifying overburdened communities or locations that also appear to have facilities presenting a high likelihood of non-compliance with environmental laws. The EPA will use this mapping capability, along with on-the-ground knowledge from other EPA programs, states, tribes, and community members and groups, to help direct where we should focus our compliance efforts to make a difference to communities.

e. *State Review Framework*

The EPA and states developed the State Review Framework (SRF) to periodically evaluate each authorized state compliance and enforcement program “to provide a fair and consistent level of core enforcement across the country” ([ECOS Resolution 98-9](#), revised Sept 2016). The SRF is a national program to periodically evaluate authorized state and EPA directly implemented CAA, CWA and RCRA enforcement and compliance performance. This approach ensures that: (1) states and EPA implemented programs are evaluated consistently; (2) a level playing field exists for regulated businesses; (3) the public has similar protection from impacts of illegal pollution; and (4) timely compliance with national laws is widely achieved (where regions directly implement the federal program, OECA reviews regional programs using the same process and procedures as for all SRF reviews).

The EPA has continuously worked with states to identify and implement updates and improvements to the SRF program. During 2017, the EPA and states worked together to update the metrics that are being used in the fourth round of SRF reviews, which will occur from 2018-2022. In 2017, OECA instituted an EPA Lean Management System (ELMS) measure to track and manage completion of SRF recommendations. The goal of this measure is to complete 85% of recommendations stemming from Round 3 reviews by the end of FY 2020.

EPA Activities

Activities Where the EPA is Directly Implementing the Program

1. OECA will continue to conduct SRF reviews of CAA, CWA, and RCRA programs directly implemented by EPA Regions.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

2. Focus oversight resources on state programs that are not meeting minimum national performance standards.
3. Conduct all Round 4 SRF reviews of state CAA, CWA, and RCRA enforcement programs scheduled for 2020 and 2021 following SRF Round 4 guidance issued in FY 2018 (available on the ECHO SRF page) and enter completed draft and final SRF reports into the SRF Manager database.
4. Discuss outstanding SRF recommendations with states as part of regularly scheduled annual program planning and review.
5. Work with states to encourage addressing recommendations in a timely fashion and enter evidence of completion into the SRF Manager Database. In addressing state core program performance issues, regions should respond according to the approaches articulated in the 1986 Revised Policy Framework for State/EPA Enforcement Agreements, as updated, and the National Strategy for Improving Oversight of State Enforcement Performance.
6. Elevate unresolved issues to OECA HQ.

State, Territory, Tribal, or Local Government Activities in Authorized Programs:

1. Work cooperatively with the EPA regions to conduct SRF reviews as scheduled and implement recommendations within the agreed upon time frames included in the final SRF reports provided to the state or local agency.

f. *Field Activities: Inspector Credentialing, QAFAP, and Interim Policy on Inspection Report Timeliness and Standardization*

This section identifies EPA and co-regulator activities necessary to ensure the quality and efficiency of compliance monitoring field activities.

EPA Activities

1. Ensure EPA HQ and regional inspectors are trained and credentialed consistent with Agency guidance.
2. Continue to develop and engage in usability testing, field testing and training for Smart Tools for a 2020 national deployment for RCRA inspectors and begin scoping and developing for a new tool for CWA inspectors.
3. When appropriate, authorize state, territorial, and tribal inspectors to conduct inspections on the EPA's behalf. Ensure these inspectors are trained and credentialed consistent with agency guidance, including the [Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA \(2004\)](#).
4. Ensure timely and accurate entry of federal inspection, compliance, and enforcement data into the national database-of-record (e.g., ICIS and RCRAInfo).
5. Conduct field activities (e.g., compliance inspections and sampling) in accordance with the procedures outlined in the [EPA Quality Assurance Field Activities Procedures \(QAFAP\)](#). Provide training to new staff on the EPA QAFAP guidelines and the established procedures and annual refresher training to existing staff.
6. Apply OECA's [Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy \(January 17, 2001\)](#), which contains procedures for consultation with federally-recognized tribes in the civil compliance monitoring and enforcement context and threshold criteria for the EPA's consideration of formal civil enforcement actions. The threshold criteria should not result in less human health and environmental protection in Indian country than elsewhere in the United States.
7. Implement the [Interim Policy on Inspection Report Timeliness and Standardization \(2018\)](#) (and then the subsequent final policy), See section B.1.
8. Specifically consider Clean Air Act nonattainment areas, impaired waters, public health threats posed by drinking water non-compliance, populations vulnerable to air toxics or chemical accidents, and children's exposure to lead when selecting and conducting compliance monitoring activities.
9. Ensure that the most serious instances of noncompliance are addressed through planning with authorized states, territories and tribes, state oversight, regular meetings, targeted inspections and enforcement.
10. Support and encourage states, territories, and tribes to support inspector training development.

Expectations for State, Territory, Tribal, or Local Government Activities:

1. Ensure timely and accurate entry of inspection, compliance, and enforcement data into the EPA's national systems either directly or via electronic transmission using CDX. In rare instances where this is not feasible, the data should be provided to the EPA in another format.
2. Specifically consider Clean Air Act nonattainment areas, impaired waters, public health threats posed by drinking water non-compliance, populations vulnerable to air toxics or

chemical accidents, and children’s exposure to lead when selecting and conducting compliance monitoring activities.

3. Ensure inspectors who conduct inspections on behalf of the EPA are trained and credentialed consistent with agency guidance, including the [Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA \(2004\)](#) and other applicable guidance, policies and training templates on the EPA Inspector Wiki⁵.

g. Compliance and Enforcement in Indian Country

The EPA works to ensure compliance in Indian country to protect human health and the environment. The EPA directly implements the compliance monitoring and enforcement elements of virtually all programs in Indian country because most tribes are not currently approved to implement federal programs. The EPA acts in an oversight capacity where a tribe has been authorized by the EPA to implement an environmental program. In both its direct implementation and oversight capacity, the EPA conducts its work in Indian country with appropriate consultation and coordination with tribes and consistent with the principles of cooperative federalism.⁶

EPA Activities

1. Make available a wide array of technical support and compliance assistance information to tribes and the regulated community operating in Indian country to improve and sustain compliance and facilitate return to compliance.
2. Review applications for program approval to ensure adequate compliance monitoring and enforcement authority.
3. Use the CMS, CMS planning documents, and EPA Tribal Environmental Plans, which contain universe estimates and priority information, to set the number and type of yearly compliance monitoring activities.
4. Provide tribal governments appropriate notice prior to announced inspections or as soon as practicable after unannounced inspections are conducted in Indian country. The EPA’s pre- and post-inspection interactions with tribes and facilities in Indian country are guided by Tribal Enforcement Guidance, [Restrictions on Communicating with Outside Parties Regarding Enforcement Actions](#), and Region-specific policies applicable to Indian country.
5. Apply the “Enforcement Principles” of the [Indian Policy](#).⁷ The [Tribal Enforcement Guidance](#) and the [Questions and Answers on the Tribal Enforcement Process](#) provide information on how and when to work cooperatively with tribal governments, and the process associated with initiating civil enforcement at tribal government facilities.⁸

⁵ Individuals with approved credentials can access this resource at https://inspector.epa.gov/inspector/index.php/Wiki_Home

⁶ See Section II.A Tribal Government Collaboration.

⁷ See Principle 9 of EPA’s [Policy for the Administration of Environmental Programs on Indian Reservations](#). The Indian Policy emphasizes first working cooperatively with tribal governments to resolve violations at tribal facilities.

⁸ EPA Regions will also continue to apply their region-specific policies or procedures related to addressing noncompliance in Indian country.

6. Use penalty and settlement policies to ensure that the regulated community in Indian country is treated consistently for similar violations across the country.⁹ As the Agency seeks to work cooperatively with tribes and apply the appropriate Enforcement Response Policy (ERP) and penalty policies in its cases, the EPA will continue to ensure that the Enforcement Principles of the [Indian Policy](#) do not result in a lesser degree of human health and environmental protection in Indian country than elsewhere in the United States.
7. Address noncompliance at non-tribal facilities in Indian Country as it would at facilities outside Indian country.

2. Statute/Program-specific Activities

a. *Clean Air Act (CAA) Program for Compliance Assurance and Enforcement*

CAA Stationary Source Program

The compliance monitoring and enforcement activities for the Clean Air Act (CAA) Stationary Source Program are described below. See also section II.B.4 for a description of the *Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources (CCAC)* National Compliance Initiative.

General EPA Activities in the CAA Stationary Source Program

Activities Where the EPA is Directly Implementing the Program

1. Directly implement the CAA Stationary Source Program where the program has not been delegated or authorized.
2. To ensure the most important air pollution problems are addressed with an emphasis on the Agency Priority Goal to improve air quality by reducing the number of nonattainment areas and to address vulnerable populations, prioritize:
 - Sources in nonattainment areas or that contribute to nonattainment areas with potential significant noncompliance.
 - Sources in communities that emit hazardous air pollutants in violation of the National Emission Standards for Hazardous Air Pollutants (NESHAPs).
 - Sources whose area source status may be misclassified and as a result, improperly permitted or not permitted.
3. Continue a robust enforcement and compliance assurance program to address violations and bring the facility back into compliance to protect air quality and deter noncompliance.
4. Follow the recommended minimum evaluation frequencies where the EPA has direct implementation authority in Indian country and territories, thereby ensuring a consistent level of evaluation coverage and a level playing field for regulated entities across the country.
5. Continue to refer matters to and coordinate with the EPA's Center of Excellence for Ozone Depleting Substances housed in Region 5.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

⁹ See EPA's [General Civil Enforcement Penalty Policies](#), and Program-Specific Enforcement Response and Penalty Policies, [Penalty Inflation Rules](#), [Penalty Policy Amendments](#), and settlement policies.

6. Ensure consistent collaboration and partnership between the EPA and authorized states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.
7. Following joint work planning, to ensure that the most important air pollution problems are addressed with an emphasis on the EPA's strategic plan measure to improve air quality by reducing the number of nonattainment areas, and to address vulnerable populations, prioritize, encourage states to focus on:
 - Sources in nonattainment areas or that contribute to nonattainment areas with potential significant noncompliance with National Ambient Air Quality Standards (NAAQS) consistent with national guidance.
 - Sources in communities that emit hazardous air pollutants in violation of the NESHAPs consistent with national guidance.
 - Sources whose status may be misclassified and as a result, improperly permitted or not permitted consistent with the national guidance.
8. Continue reviewing state implementation plan (SIP) submissions for enforceability and reviewing Title V permits consistent with national guidance.
9. Negotiate CMS plans or ACMS plans with delegated agencies working to maximize the flexibilities to take each agency's unique situation into account with priority focus on improving air quality by reducing the number of nonattainment areas and by addressing air pollution impacts to vulnerable populations while also providing national consistency among stationary source air compliance monitoring programs.
10. To ensure consistency in the application of CAA regulations, effective communication and a clear understanding of expectations, hold regular meetings and discussions with delegated agencies to promote program implementation in accordance with national policy and guidance such as the CMS, the CAA National Stack Testing Guidance, the Timely and Appropriate Enforcement Response to High Priority Violations (HPV Policy), and the Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources (FRV Policy).
11. As part of joint work planning, identify the most important air pollution problems and serious violations, with a focus on vulnerable communities using data analysis tools and other information such as non-attainment areas, ECHO Clean Air Tracking Tool (ECATT), National Air Toxics Assessment (NATA) data, chemical toxicity data, and community input.

Expectations for State, Territory, Tribal, or Local Government Activities

1. Agencies are encouraged to use the flexibilities provided in the CMS or an applicable ACMS to maximize resources, engage in innovative compliance monitoring, focus on regulated facilities with the most potential for significant impact on human health and the environment, and address local priorities and issues of concern, including areas of nonattainment.
2. To enforce the law consistently, promote timely enforcement of CAA regulations and consider reducing the average time from violation identification to correction thereby bringing facilities back into compliance more quickly, carry out program implementation with consideration for the HPV and FRV Policies, and initiate

civil/criminal enforcement actions as appropriate.

3. To enhance program coordination, work with the EPA to identify and evaluate program areas that could become national priorities/compliance initiatives in the future.

CAA Title II, Vehicle and Engine Enforcement

The compliance monitoring and enforcement activities for the Clean Air Act (CAA) Vehicle and Engine Enforcement Program are described below. See also section II.B.4 for a description of the *Stopping Aftermarket Defeat Devices for Vehicles and Engines* National Compliance Initiative.

General EPA Activities in the CAA Title II, Vehicle and Engine Enforcement Program

1. Investigate, prosecute, and resolve violations of prohibitions in section 203(a) of the CAA. Exercise information-gathering authorities, primarily in sections 208 and 307, to determine compliance with the CAA prohibitions concerning vehicles, engines, equipment, and parts and components for such products. Resolve alleged violations using administrative enforcement authorities, and by referring matters to the United States Department of Justice.
2. Hold original equipment manufacturers (OEMs) accountable to ensure their vehicles, engines, and equipment are covered by EPA-issued certificates of conformity (or are properly exempt) when introduced into United States commerce. During EPA certification, ensure OEMs perform proper emissions testing and are forthright with the EPA about the design of their product. Focus areas include enforcement actions for use of undisclosed engine software, some of which may constitute illegal defeat devices. Other focus areas concern ensuring in-use compliance and taking enforcement actions where OEMs fail to honor emissions warranties, report emissions defects, and otherwise inadequately maintain the emissions controls on their vehicles, engines, and equipment during their useful lives.
3. Address the illegal tampering of emissions controls on vehicles, engines and equipment. Focus on enforcement actions against commercial fleets of trucks whose owner removes filters and catalysts from their vehicles, and maintenance shops that routinely remove emissions controls.
4. Address the illegal manufacture, sale, offering for sale and installation of aftermarket defeat devices. Focus on software products (commonly known as “tuners” and “tunes”) that are specifically designed to hack into and reprogram engine software for the purpose of defeating emissions controls in the engine (e.g., fueling strategy and exhaust gas recirculation) and in the exhaust (e.g., filters and catalysts). Focus on hardware products that inhibit exhaust gas recirculation systems, or that enable the removal of filters and catalysts from the exhaust system.
5. Stop illegal importations of vehicles, engines, and equipment. In partnership with Customs and Border Protection (CBP), target and inspect goods at the point of importation to determine whether the goods comply with the CAA. Advise CBP on whether to seize or otherwise refuse to allow goods into the United States. Where violations are found, the EPA will investigate to determine whether other shipments are in compliance and will hold the importer accountable.

CAA 112(r) Chemical Accident Prevention Program

The EPA's Chemical Accident Prevention program requires more than 12,300 industrial facilities that use or store chemicals from a list of regulated toxic and flammable substances held above certain threshold quantities to develop and implement a Risk Management Plan (RMP). Section 112(r)(1) of the Clean Air Act, the General Duty Clause, creates a statutory obligation on all stationary sources to minimize the likelihood and/or consequences of accidental releases. See also section II.B.4 for a description of the *Reducing Risks from Accidental Releases at Industrial and Chemical Facilities* National Compliance Initiative.

Please refer to OLEM's NPG for descriptions of the compliance monitoring aspects of the program.

General EPA Activities in the CAA 112(r) Chemical Accident Prevention Program

1. Continue to advance the goals of the reducing risks of accidental releases at industrial and chemical facilities National Compliance Initiative.
2. Conduct all RMP inspections in accordance with the "Guidance for Conducting Risk Management Program Inspections Under Clean Air Act Section 112(r)" (EPA 550-K-11-001, January 2011). Conduct at least 36% of these inspections at high-risk facilities, and at least 50% at facilities within the Reducing Risks of Accidental Releases at Industrial and Chemical Facilities National Compliance Initiative (NCI). A single facility inspection can be applied to both requirements. A limited number (less than 20%) of annual inspections may be RMP non-filer and/or CAA 112(r) General Duty Clause inspections.
3. Work collectively to take high-impact cases to address serious situations of non-compliance, with a focus on protecting vulnerable communities, many of which are in low income or minority communities, from the risks posed those facilities.
4. Evaluate facilities that experience significant chemical accidents to determine compliance with CAA sections 112(r)(1) and (7) and pursue appropriate enforcement responses for violations.
5. As appropriate, evaluate facility compliance with EPCRA sections 304 and 311/312 and CERCLA section 103 during all RMP inspections.
6. Target a goal of conducting inspections at three percent of RMP facilities annually in FY2020-2021.

Activities Where the EPA is Directly Implementing the Program

7. Directly implement the RMP program in non-delegated states, territories, and Indian country.
8. Ensure compliance with the General Duty Clause (GDC) obligations. The Clean Air Act does not give the EPA the authority to delegate GDC to states.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

9. Ensure consistent collaboration and partnership between the EPA and authorized states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs

1. Ensure compliance with the RMP requirements in [states, Indian country, territories, and localities that have obtained delegation](#).

b. *Clean Water Act (CWA) Program for Compliance Assurance and Enforcement*

NPDES

The majority of states have received authorization from the EPA to implement the Clean Water Act (CWA) Section 402 National Pollutant Discharge Elimination System (NPDES) permit program. The EPA directly implements the program in three states, the District of Columbia, Puerto Rico, U.S. Pacific Island Territories, and in Indian country as well as elements of the NPDES program for which a state is not fully authorized. Essential EPA compliance monitoring and enforcement activities for the CWA NPDES program are described below. See also section II.B.4 for a description of the *Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits* National Compliance Initiative.

General EPA Activities in the NPDES Program

1. Conduct EPA NPDES compliance monitoring and enforcement activities to ensure CWA and regulatory requirements are met, supporting the EPA's strategic plan measure to increase the environmental law compliance rate by reducing the rate of significant noncompliance in the CWA NPDES program (see section II.B.2).
2. Ensure inspectors conducting EPA inspections are trained and credentialed.
3. Ensure compliance with civil judicial consent decrees and administrative orders.
4. Continue to refer matters to and coordinate with the EPA's Center of Excellence for Biosolids housed in Region 7.
5. Work with approved states and the Virgin Islands to implement the CWA NCIs, including NCIs that the EPA selects for the FY2020-2023 cycle (see section II.B.4).

Activities Where the EPA is Directly Implementing the Program

6. Directly implement the CWA NPDES Program where the state has not been authorized.
7. Implement NPDES regulatory requirements for [electronic reporting](#).
8. To ensure the most important water pollution problems are addressed with an emphasis on the Agency Priority Goal to reduce the number of square miles of watershed with impaired waters prioritize pollution problems involving NPDES-regulated point sources with serious violations and potential water quality or human health impacts for compliance monitoring inspections and, where appropriate, take enforcement actions.
9. Timely review self-monitoring reports from regulated entities and take timely and appropriate action to address NPDES significant noncompliance (SNC)/Category I violations.
10. Meet the timely and appropriate enforcement response guidelines in EPA's [NPDES Enforcement Management System](#) (NPDES EMS), and the regulatory NPDES electronic reporting requirements.
11. Implement the pretreatment program and other aspects of the NPDES program where the EPA is the permitting authority per statutory and regulatory requirements and consistent with applicable EPA guidance and policy.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

12. Ensure consistent collaboration and partnership between the EPA and authorized

states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.

13. Encourage adherence to the EPA's [NPDES CMS](#) or an approved Alternative CMS.
14. Following joint planning, encourage states to focus on ensuring that NPDES SNC/Category I violations are timely and appropriately addressed.
15. Conduct NPDES compliance and enforcement oversight.
16. Work with authorized states and U.S. territories to ensure implementation of NPDES regulatory requirements for electronic reporting.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs

1. Implement NPDES regulatory requirements for electronic reporting.
2. Follow the inspection goals or plans developed under the [NPDES CMS](#) or approved Alternative CMS.
3. Ensure inspectors are trained and credentialed consistent with state and EPA guidelines.
4. Implement state enforcement response guidelines to ensure violations are timely and appropriately addressed.
5. Work cooperatively with EPA regions to conduct SRF reviews as scheduled and implement recommendations within the agreed upon timeframes.

CWA Section 404 Discharge of Dredge and Fill Material

The compliance monitoring and enforcement activities for the CWA Section 404 Discharge of Dredge and Fill Material Program are described below.

General EPA Activities in the CWA Section 404 Discharge of Dredge and Fill Material Program

1. Consider referrals from Corps Districts under the 1989 MOA, recognizing the role of the Corps as the lead agency for enforcement for all but specifically identified cases, areas and activities.
2. Coordinate, as appropriate, with other federal and state agencies (i.e., U.S. Army Corps of Engineers (Corps), Natural Resources Conservation Service (NRCS), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS)) which have significant roles in protection of regulated waters.
3. Meet with Corps Districts on an annual basis to establish regional priorities, and review field level agreements with Corps Districts and revise them to ensure consistency, as appropriate.
4. Work with the Corps Districts to identify potential repeat or flagrant unpermitted activity
5. Utilize existing regional cross training opportunities as well as opportunities identified by OECA to cross-train inspectors and to train other federal and state agencies and stakeholders to identify CWA Section 404 violations.

Activities Where the EPA is Directly Implementing the Program

6. Consider referrals from Corps Districts under the 1989 MOA, recognizing the Corps' role as the lead agency for enforcement for all but specifically identified cases, areas and activities.

7. Develop enforcement actions to address unpermitted activity by repeat or flagrant violators or where the Corps has referred a case to the EPA.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

8. Monitor and ensure compliance with the MOA and applicable federal regulations governing administration of CWA Section 404 between the State of Michigan and EPA Region 5, and the MOA governing administration of CWA Section 404 between the State of New Jersey and EPA Region 2.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs

1. Comply with the MOA and applicable federal regulations governing administration of CWA Section 404 between the State of Michigan and EPA Region 5, and the MOA governing administration of CWA Section 404 between the State of New Jersey and EPA Region 2. Michigan and New Jersey are the only states authorized to implement the CWA Section 404 program.

CWA Section 311 Oil Pollution Act

The compliance and enforcement activities for the CWA Section 311 Oil Pollution Act program are described below. The EPA implements this program throughout the country.

General EPA Activities in the CWA Section 311 Oil Pollution Act Program

1. Target and investigate facilities subject to the EPA Oil Spill Prevention and Response Program per OLEM's National Program Guidance and take appropriate enforcement responses at facilities in non-compliance with Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) regulatory requirements.
2. Develop enforcement cases to address facility response plan violations at multiple facilities owned or operated by the same company. Where appropriate, consider use of company-wide injunctive relief requirements to bring all facilities of the owner or operator into compliance.
3. Conduct spill enforcement investigations to identify and address significant discharge violations that reach waters of the United States.
4. Coordinate enforcement actions with the Pipeline and Hazardous Materials Safety Administration, recognizing that PHMSA is the regulatory authority at transportation related facilities. This coordination might include development of enforcement cases to address jurisdictional spills on a company-wide basis.
5. Defer to the Coast Guard for releases in the coastal zone.
6. Coordinate with states, for transportation-related facilities not regulated by PHMSA, recognizing the state as the regulatory authority for such facilities.
7. Whenever enforcement is pursued at non-transportation related on-shore facilities subject to EPA regulations, the case development staff should evaluate all potential violations of CWA Section 311 and underlying regulations and consider including claims in the enforcement case to address spills and non-compliance with EPA regulations. The case team should consider appropriate penalties and actions necessary to bring a facility back into compliance.

c. Safe Drinking Water Act (SDWA) Program for Compliance Assurance and Enforcement

SDWA Public Water Systems (PWSs)

Most states have primary enforcement responsibility under SDWA Section 1413 for the PWS program (i.e., primacy). The EPA directly implements the PWS program in Wyoming, the District of Columbia, and in Indian country (except the Navajo Nation). The EPA still has an important oversight role where a state, tribe, or territory is the primacy agency and retains the authority to conduct compliance and enforcement activities.

The compliance monitoring and enforcement activities for those who oversee and those who implement the SDWA PWS Supervision Program are described below. These activities support the strategic plan goal to reduce the number of community water systems out of compliance with health-based standards (see section II.B.3). See also section II.B.4 for a description of the *Reducing Noncompliance with Drinking Water Standards at Community Water Systems* National Compliance Initiative.

General EPA Activities in the SDWA PWSs Program

1. Conduct EPA compliance monitoring and enforcement activities to ensure: PWS are complying with the SDWA and its regulatory requirements; compliance with civil judicial consent decrees and administrative orders; consistent implementation of EPA guidance and policies; and, the overall integrity of the PWS program is maintained.
2. Conduct PWS inspections annually to ensure that PWSs are correcting identified significant deficiencies and are otherwise in compliance with SDWA.
3. Collaborate with states, tribes, and territories to ensure appropriate intervention (including enforcement) to address public health emergencies, resolve violations and prevent future serious noncompliance.
4. Continue to conduct EPA's PWS compliance and enforcement work as part of the core program as the EPA transitions to a new drinking water national compliance initiative. The focus will be on partnering with states to address the most serious risks to public health, particularly those involving community water systems (CWSs).

Activities Where the EPA is Directly Implementing the Program

5. Directly implement the program pursuant to SDWA Part B.
6. Develop strategies for targeting compliance assurance work and annual plans that consider the following focus areas as a high priority:
 - CWSs with identified significant deficiencies, especially those significant deficiencies involving a written compliance plan and schedule of more than 12 months' duration and significant deficiencies related to technical, managerial, or financial capacity.
 - CWSs for which the EPA has reason to believe are at risk of future serious noncompliance (e.g., through the use of predictive analytics).
7. Use the full suite of compliance assurance tools, including enforcement, as appropriate.
8. Where appropriate, initiate enforcement actions pursuant to SDWA section 1414 to resolve alleged violations.
9. Where appropriate, utilize SDWA section 1431 to address potential imminent and substantial endangerments involving public water systems and underground sources of drinking water.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

10. Ensure consistent collaboration and partnership between the EPA and primacy programs with regards to compliance assurance activities, and work collaboratively to

determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.

11. Oversee primacy programs to assess the effectiveness of SDWA Part B implementation.
12. Conduct joint inspections with primacy programs to ensure consistent identification of violations.
13. Collaborate with primacy programs to conduct joint sanitary surveys as part of a nation-wide effort to increase the frequency of sanitary survey training.
14. Perform periodic enforcement program file reviews of primacy programs.
15. Following joint planning, encourage primacy programs to use the full suite of compliance assurance tools, including enforcement, as appropriate.
16. Following joint planning, encourage primacy programs to, where appropriate, initiate enforcement actions pursuant to SDWA section 1414 to resolve alleged violations.
17. Where appropriate, utilize SDWA section 1431 to address potential imminent and substantial endangerments involving public water systems and underground sources of drinking water.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs

1. Conduct inspections annually to ensure that PWSs are correcting identified significant deficiencies and are otherwise in compliance with SDWA.
2. Ensure appropriate intervention (including enforcement) to resolve violations and prevent future serious noncompliance.
3. As necessary, work with the EPA to identify and evaluate program areas that could become national priorities/compliance initiatives in the future.
4. When compliance schedules or orders are being developed, renewed or modified, coordinate to ensure that they contain clear schedules for enforcement intervention as appropriate.

SDWA Underground Injection Control (UIC) Program

The compliance monitoring and enforcement activities for the Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) Program are described below.

General EPA Activities in the SDWA UIC Program

1. Focus UIC compliance and enforcement efforts on alleged violations that pose the greatest threat to public health and alleged violations that may contaminate or endanger underground sources of drinking water.
2. Utilize the 1987 *Underground Injection Control Program Compliance Strategy for Primacy and Direct Implementation Jurisdictions*, or an appropriate regional enforcement strategy, to the extent practicable.

Activities Where the EPA is Directly Implementing the Program

3. Directly implement the program pursuant to 40 C.F.R. Parts 144–149.
4. Conduct inspections annually to identify and resolve noncompliance and provide a deterrence to future noncompliance.
5. Use the full suite of compliance assurance tools, as appropriate.
6. Initiate enforcement actions pursuant to SDWA section 1423 to resolve alleged violations, where appropriate.

7. Utilize SDWA section 1431 to abate imminent and substantial endangerments to public health stemming from contamination by UIC wells.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

8. Ensure consistent collaboration and partnership between the EPA and authorized states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.
9. Oversee primacy programs to assess the effectiveness of UIC programs.
10. Use the full suite of compliance assurance tools.
11. Where appropriate, utilize SDWA section 1431 to abate imminent and substantial endangerments to public health stemming from contamination by UIC wells.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs

1. Implement the approved program consistent with codified authorities in 40 C.F.R. Part 147.

d. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Program for Compliance Assurance and Enforcement

The CERCLA (also referred to as Superfund) cleanup enforcement program protects communities by ensuring that potentially responsible parties (PRPs) perform and pay for cleanups at Superfund sites and by encouraging third party investment in cleanup and reuse of Superfund sites. These actions expand the Agency's ability to clean up hazardous waste sites across the country, to bring human exposure under control and to facilitate reuse of Superfund sites.

General EPA Activities in the CERCLA Program

1. Use CERCLA Enforcement Tools to Maximize PRP Performance and Payment for Cleanup
 - Find and engage with Potentially Responsible Parties (PRPs) as early as possible to perform response activities.
 - Utilize enforcement tools and settlement incentives to obtain prompt PRP commitments.
 - Maximize cost recovery of response and cleanup efforts. For sites that still have future work needed, place those funds in Special Accounts to have work continue moving forward for those specific sites.
2. Accelerate PRP Cleanup Action Starts and PRP Cleanup Implementation
 - Initiate Remedial Design/Remedial Action (RD/RA) negotiations close to the Record of Decision (ROD) issuance.
 - Complete RD/RA negotiations within one year (or sooner) from the start of negotiations.
 - Bifurcate RD work from RA work, with the goal of getting design started while negotiations continue.
 - Identify opportunities to increase the timeliness of PRP-lead actions under CERCLA and ensure long term protection.

3. Encourage Third Party Participation in CERCLA Cleanup and Facilitate Redevelopment of Sites
 - Promote the use of prospective purchaser agreements, bona fide prospective purchaser agreements, and comfort letters to help incentivize third private investment at Superfund sites and encourage the cleanup and redevelopment of these sites.
 - Identify opportunities to obtain prompt and effective institutional controls in support of achieving Site-Wide Ready for Anticipated Reuse (SWRAU) milestones.

e. Resource Conservation and Recovery Act (RCRA) Program for Compliance Assurance and Enforcement

RCRA Subtitle C and D Programs

The compliance monitoring and enforcement activities for the Resource Conservation and Recovery Act (RCRA) Subtitle C and D Programs are described below. See also section II.B.4 for a description of the *Reducing Hazardous Air Emissions from Hazardous Waste Facilities* National Compliance Initiative.

General EPA Activities in the RCRA Subtitle C and D Programs

1. Meet statutory requirements to conduct a minimum number of inspections annually including financial assurance requirements for Treatment, Storage, and Disposal Facilities (TSDFs), operated by federal, state/local governments, and biennially for non-governmental TSDFs.

Activities Where the EPA is Directly Implementing the Program

2. Directly implement the RCRA subtitle C program.
3. Consider the following focus areas as a high priority when developing strategies for targeting compliance assurance work and annual plans for respective activities in the regions:
 - RCRA Data Integrity: Perform analyses of different sources of generator data (e.g., e-Manifest, BR data, TSDF reports) to identify instances of non-reporters, conflicting data, and potential underreporting.
 - Develop approaches and begin utilizing new EPA authority to enforce requirements for coal combustion residuals impoundments and landfills.
 - Improper treatment at TSDFs/Waste Analysis Plans at TSDFs: Ensure proper characterization of incoming wastes, treatment and stabilization techniques, and the sampling and analysis of hazardous waste treated to meet the Land Disposal Restriction (LDR) treatment standards for land disposal.
 - RCRA AA/BB/CC: Ensure compliance with RCRA air emission requirements by conducting Comprehensive Evaluation Inspections which should include conducting Leak Detection and Repair (LDAR) monitoring. The Region should coordinate with OECA in advance of a planned inspection if it will not include LDAR monitoring.
 - Assure compliance and enforcement of core RCRA requirements such as generator status, hazardous waste determinations, and proper treatment and disposal.
4. Consider the following other potential focus areas:

- RCRA Corrective Action: facilities that have not made meaningful progress in achieving corrective action objectives, and financially marginal or bankrupt facilities. Monitor compliance with orders and permits, identify substantial noncompliance with such instruments, and take enforcement actions where appropriate. Monitor compliance with all corrective action requirements including long-term engineering and institutional controls.
- Other: use data to identify specific environmental problems in vulnerable communities (e.g., does data show that sham hazardous waste recycling facilities are a problem for vulnerable communities?)

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

5. Ensure consistent collaboration and partnership between the EPA and authorized states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs

1. Meet statutory requirements to conduct a minimum number of thorough inspections, including financial assurance requirements, annually for TSDFs operated by federal, state/local governments, and biennially for non-governmental TSDFs.
2. States may use the flexibilities described in the RCRA CMS for Large Quantity Generators.
3. As necessary, work with OECA to identify and evaluate program areas that could become national priorities/compliance initiatives in the future.
4. When permits or orders are being developed, renewed or modified, coordinate to ensure that they contain clear schedules for enforcement processes as appropriate.

RCRA Underground Storage Tank (UST) Subtitle I Program

A major focus of the Resource Conservation and Recovery Act (RCRA) Subtitle I Program (RCRA UST Program) is to maintain an enforcement presence concerning leak prevention, leak detection, corrective action, closure and financial responsibility violations. The compliance monitoring and enforcement activities for the RCRA UST Program are described below.

General EPA Activities in the RCRA UST Subtitle I Program

Activities Where the EPA is Directly Implementing the Program

1. Directly implement the UST program where a state or territory has not received program approval, and in Indian Country.
2. Inspect USTs at least once every three years to determine compliance with RCRA Subtitle I and the underground storage tank regulations.
3. Consider the following focus areas as high priority when developing strategies for targeting and monitoring compliance:
 - New UST operation and maintenance requirements.
 - UST systems deferred in the 1988 UST regulations.
4. Issue enforcement actions and assessment of penalties, as appropriate. Focus on utilizing cost-effective tools such as field citations or expedited settlements, when appropriate.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

5. Ensure consistent collaboration and partnership between the EPA and authorized states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.
6. Where states request that the EPA take the lead, meet statutory requirements for UST inspections that will produce the greatest environmental and human health benefits, and when taking enforcement actions, utilize cost effective tools such as field citations or expedited settlements, when appropriate. Factors to consider in identifying facilities for inspection under the UST program include:
 - Owners and operators managing UST facilities in multiple states;
 - Mid-level distributors operating multiple UST facilities;
 - Problem non-compliers (i.e., repeat violators; owners/operators who fail to cooperate in an effort to return to compliance);
 - Owners and operators of facilities with USTs that endanger sensitive ecosystems or sources of drinking water;
 - Corporate, government-owned and federal central fueling facilities; and
 - Owners and operators of UST facilities in areas with potential environmental justice concerns.

Expectations for State, Territory, Tribal, or Local Government Activities in Authorized Programs:

1. States have primary responsibility for determining facility compliance, ensuring adequate inspection coverage of the regulated universe, and taking appropriate actions in response to non-compliance.
2. Meet statutory requirements to conduct UST inspections in a manner that will produce the greatest environmental and human health benefits, including meeting statutory requirement to inspect each UST at least once every three years.
3. Ensure that the most serious instances of noncompliance are addressed through targeted inspections and enforcement.
4. Continue to implement the new provisions of the [revised UST regulations](#). Optimize compliance and the deterrence effect by utilizing efficiencies including the use of

delivery prohibition and addressing noncompliance on a corporate-wide basis where possible.

f. Toxic Substances Control Act (TSCA) Program for Compliance Assurance and Enforcement

TSCA Lead Risk Reduction Program

The compliance monitoring and enforcement activities for the Toxic Substances Control Act (TSCA) Lead Risk Reduction Program are described below. The EPA implements the Lead Disclosure Rule (LDR) nationwide. Most states are authorized for the lead-based paint (LBP) Activities program, and a small number of states and tribes are authorized for the Renovation, Repair and Painting (RRP) program. OECA work also supports the Federal Lead Action Plan (see section II.B.3.d).

General EPA Activities in the TSCA Lead Risk Reduction Program

The compliance monitoring and enforcement activities for the lead-based paint (LBP) program (primarily focused on the Renovation, Repair and Painting (RRP) Rule and secondarily on the Lead Disclosure Rule (LDR)) include national focus areas and approaches (below) that Regions incorporate into their programs to maximize deterrence from enforcement actions while supporting and complementing existing regional LBP compliance assurance plans.

1. Work collectively on national focus areas to take cases against renovators and/or other regulated entities whose activities have the greatest impact on potential lead exposures of compliance with the LBP program.
2. Conduct inspections in accordance with applicable guidance, including but not limited to the Inspection Manual for the Lead Renovation, Repair and Painting (RRP) Rule.

Activities Where the EPA is Directly Implementing the Program

3. Directly implement the TSCA lead risk reduction program where that program has not been authorized or delegated.
4. National Focus Areas: Regions are expected to prioritize investigations of regulated entities that have a large footprint and far-reaching influence on the compliance landscape and take enforcement as appropriate. Regions should, for example, focus some resources determining compliance by firms that operate through multiple physical locations across the nation or that record renovation work to be shown as part of televised renovation shows. Regions and OECA will develop implementation plans to provide guidance and identify objectives for each national focus area. OECA and Regions may identify other focus areas, with appropriate consultation with states/tribes and other partners.
5. Geographic Initiative Approach (also known as a Lead Hot Spot or Place-based Initiative). Regions have used geographic approaches to focus and maximize the EPA's compliance and enforcement resources for maximum impact. In addition to working in the National Focus areas described above, Regions should consider conducting at least one geographic initiative, which may be in conjunction with its national focus area, or a regional multi-media lead initiative (if any), or separately. Regions should consider locales based on factors such as high rates of noncompliance or elevated blood-lead levels, age of housing stock, environmental justice concerns, planning with state/tribal/local partners (as discussed in the TSCA Compliance Monitoring Strategy). Geographic initiatives should include compliance assurance performance indicators, for example, changes in the number of certified firms and renovators in the

geographic area of focus. As necessary, Regions should work with OECA in the development of their geographic initiatives.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

6. Ensure consistent collaboration and partnership between the EPA and authorized states, tribes, territories, and localities with regards to compliance assurance activities, and work collaboratively to determine which enforcement matters will be pursued by the EPA, as outlined in the 2018 [Interim OECA Guidance](#), or successor guidance.
7. For authorized states and tribes receiving TSCA State and Tribal Assistance Grant (STAG) funding, Regions must submit an electronic copy of the state submitted End-of-Year Report for each LBP program funded through the Toxics Substances Compliance Monitoring Grant program.
8. Conduct appropriate oversight of authorized state § 402 and § 406 programs.

Expectations for State, Territory, Tribal, Local Government Activities in Authorized Programs

Cooperate with the EPA through existing TSCA authorities to more effectively protect human health and the environment from exposure to lead-based paint by:

1. Utilizing TSCA STAG funds following existing policies and guidance.
2. Where authorized, conducting LBP compliance monitoring and enforcement activities.
3. Where authorized, implementing the RRP, abatement, and pre-renovation education programs.

TSCA New and Existing (Core TSCA) Chemicals Programs

In 2016, TSCA was amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The amendments give the EPA significant new, as well as continuing, responsibilities for reviewing chemicals in or entering commerce to prevent unreasonable risks to human health and the environment, including unreasonable risks to potentially exposed or susceptible subpopulations. Proper implementation of the TSCA amendments is one of the EPA's top priorities.

General EPA Activities in the TSCA New and Existing (Core TSCA) Chemicals Program

1. Work collectively on national focus areas outlined herein to monitor compliance and develop high-impact cases.
2. Focus on enforcement of the TSCA new and existing chemicals including the new regulatory requirements introduced by the amended Frank R. Lautenberg Chemical Safety for the 21st Century Act.
3. Conduct inspections in accordance with applicable guidance, including but not limited to the Core TSCA Inspection Manual.

Activities Where the EPA is Directly Implementing the Program

4. Directly implement the Core TSCA program.
5. TSCA New Chemicals Compliance (TSCA section 5): OECA and Regions should focus compliance monitoring and enforcement on failures to meet TSCA section 5 pre-manufacturing notification requirements (including exemptions) for new chemicals as well as compliance with Significant New Use Rule (SNUR) restrictions and Consent Order requirements. Special emphasis will be on chemicals of concern such as Per- and polyfluoroalkyl substances (PFAS).

6. Border Compliance (TSCA sections 5 and 13): OECA and Regions should monitor chemical substances and articles imported into the United States for compliance in coordination with U.S. Customs and Border Protection (CBP) and in relying on CBP's Automated Commercial Environment database. OECA and regions should review chemicals manufactured for "export only" and ensure compliance with labeling and export requirements (TSCA section 12).
7. Exemption Compliance (TSCA section 5): OECA and Regions should focus compliance monitoring and enforcement on: Low Volume Exemption (LVE) submissions meeting LVE thresholds; Research & Development (R&D) Chemicals meeting all R&D supervision and document requirements; and Test Market Exemption (TME) meeting documentation requirements and restrictions imposed.
8. TSCA section 6 Compliance: Upon completion of TSCA Workplan chemical Section 6 Rules and Frank R. Lautenberg Chemical Safety for the 21st Century Act Section 6(b)(1)(A) risk evaluations, OECA and Regions should monitor compliance with rules and take enforcement actions, as appropriate.
9. TSCA Information Reporting (sections 4 and 8): OECA and Regions should monitor compliance with existing chemical reporting and record keeping requirements such as the 2016 Chemical Data Reporting Rule, Toxic Substances Control Act Inventory Notification (Active-Inactive) requirements as well as subsequent reporting period submissions.

TSCA PCB Program

The polychlorinated biphenyls (PCBs) program under TSCA is federally implemented and not delegable to states and tribes. However, nine states, through cooperative agreements, conduct inspections with federal credentials on the EPA's behalf.

General EPA Activities in the TSCA PCB Program

1. Work collectively on nationally significant focus areas to take high-impact cases to prevent, reduce or eliminate releases of PCBs to the environment.
2. Focus primarily on exposures to vulnerable communities (EJ) and sub-populations (children).

Activities Where the EPA is Directly Implementing the Program

3. Directly implement the TSCA PCB program.
4. The following areas are high priority when developing plans for compliance monitoring and enforcement:
 - PCB spill, abandoned (buildings still containing electrical equipment) and uncontrolled disposal sites, located in EJ and other large residential communities, should be inspected and responsible parties or redevelopers, able to remediate these sites, should be compelled through enforcement or assisted using regulatory or policy tools, to conduct site cleanups.
 - Approved commercial PCB storage, treatment or land disposal facilities should be inspected at least once every three years using joint TSCA/RCRA compliance monitoring resources in coordination with state and tribal RCRA programs where appropriate.

- Unapproved facilities (e.g., used oil recyclers, waste paper recycling mills) should be inspected as resources permit. When these facilities have effluent discharges subject to sections 402 or 306(b) of the Clean Water Act, inspections should be coordinated with appropriate federal and state programs.
- Respond to “tips and complaints” that have the potential for illegal disposal or significant exposure to PCBs.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

The TSCA PCB program is federally implemented and cannot be delegated. However, most states regulate PCBs under their state clean water, clean air or hazardous waste programs.

5. EPA will continue to explore opportunities to coordinate compliance monitoring and enforcement activities with states.

Expectations for State, Territory, Tribal Programs with the EPA PCB cooperative agreements

1. Implement the agreed-upon work plan in cooperative agreements, where applicable.

TSCA Asbestos Hazard Emergency Response Act (AHERA) Programs

The EPA is responsible for implementing the TSCA asbestos program in most of the country. Pursuant to AHERA, the EPA may waive federal requirements in states that have established and are implementing an asbestos inspection and management program. The EPA retains oversight authority in waiver states. In addition, other states that have not sought a waiver but have entered into a cooperative agreement with the EPA to conduct inspections on behalf of the EPA, but then refer the cases to the EPA for enforcement. Both waiver and non-waiver states receive grants from the EPA.

General EPA Activities in the TSCA AHERA Programs

1. Work on AHERA cases to prevent or eliminate releases of asbestos to the environment.
2. Focus primarily on exposures to children and vulnerable communities (EJ).

Activities Where the EPA is Directly Implementing the Program

The EPA’s intent is to provide flexibility for regional TSCA initiatives to consider unique regional situations and available resources. EPA regions opting to engage in compliance monitoring and assurance activities for the TSCA Asbestos/AHERA program should:

3. Address the most egregious violations of AHERA consistent with the TSCA CMS, the TSCA Inspection Manual, and the Enforcement Response Policy (ERP).
4. In states that have non-waiver status, review and evaluate inspection reports to determine the appropriate enforcement response.
5. For states and tribes that do not have a cooperative agreement with the EPA, address asbestos worker protection issues not covered by OSHA when possible.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

6. The EPA will continue to explore additional means to assist states, territories, tribes or local governments with asbestos issues.

Expectations for State, Territory, Tribal, or Local Government Activities

1. Waiver states take enforcement actions under state law.
2. In non-waiver states, submit completed inspection reports to the EPA region for review and enforcement action as appropriate, consistent with the state-EPA cooperative agreement.

g. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Program for Compliance Assurance and Enforcement

The FIFRA compliance monitoring and enforcement activities, described below, should be implemented to help ensure compliance with FIFRA and its implementing regulations.

General EPA Activities in the FIFRA Program

Activities Where the EPA is Directly Implementing the Program

1. Directly implement the FIFRA program.
2. EPA Regions should consider the following focus areas as a high priority when targeting compliance assurance work and developing annual plans for respective activities in the regions:
 - **Product Integrity**—Conduct inspections, including sample collection for laboratory analyses, at pesticide production facilities and marketplaces to monitor compliance with regulatory requirements pertaining to establishment and pesticide registration, packaging, label and labeling contents, efficacy, composition, and reporting. Conduct Good Laboratory Practice (GLP) inspections to monitor compliance with regulatory requirements for conducting studies that support pesticide registrations.
 - **Import Compliance**—To prevent illegal pesticides from entering U.S. channels of trade, leverage data resources such as the Automated Commercial Environment (ACE) and Import Genius for the selection of targets for desk audits and inspections of incoming pesticide shipments, and support national operations initiatives conducted by U.S. Customs and Border Protection’s Commercial Targeting and Analysis Center (CTAC).
 - **eCommerce**—Focus on assuring the compliance of pesticide products offered for sale on eCommerce platforms with emphasis on those which pose the greatest risk of harm to human health or the environment. Examples include unregistered products, restricted-use pesticides (RUPs), Toxicity Category 1 pesticides, or other pesticides of regulatory concern.
 - **Compliance Assurance**—Where the EPA has direct implementation responsibility (i.e., Indian Country and Wyoming), monitor label compliance, placing emphasis on the worker protection standard, where applicable.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

Continue EPA and state, territory, and tribal cooperation through existing FIFRA authorities to more effectively protect human health and the environment by:

1. **Cooperative Agreements**—Negotiate and oversee implementation of and review state, territory, and tribal performance under pesticide enforcement cooperative agreements following existing policies and guidance.
2. **Collaborative Compliance Assurance**—Work with states, territories, and tribes to support one another’s compliance monitoring and enforcement activities consistent with the respective authorities established under FIFRA.

Expectations for State, Territory, Tribal or Local Government Activities in Authorized Programs

Continue EPA and State, Territory, and Tribal cooperation through existing FIFRA authorities to more effectively protect human health and the environment by:

1. Cooperative Agreements—Implement pesticide enforcement cooperative agreements following existing policies and guidance.
2. Collaborative Compliance Assurance—Work with the EPA to support one another's compliance monitoring and enforcement activities consistent with the respective authorities established under FIFRA.

h. Emergency Planning and Community Right-to-Know Act (EPCRA) Program for Compliance Assurance and Enforcement

EPCRA 313 Toxic Release Inventory (TRI)

The Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 Toxic Release Inventory program provides information on chemical releases entering the environment. Accurate TRI data is critical as it is used by local, state and federal agencies as well as multiple stakeholders. The EPA is committed to ensuring that companies report accurately and within the required timeframe, so the publicly available database remains accurate and inclusive. The compliance monitoring and enforcement activities for the EPCRA section 313 Toxic Release Inventory program are described below.

General EPA Activities in the EPCRA 313 TRI Program

Activities Where the EPA is Directly Implementing the Program

1. The EPA will directly implement the TRI program.
2. OECA should maintain credentialed TRI inspectors and will identify, develop, and appropriately litigate/resolve complex, national (multi-facility, multi-region) TRI cases.
3. Regions are encouraged to integrate TRI compliance monitoring into their inspection processes and protocols when inspecting a facility subject to other statutory requirements (e.g., TSCA, CAA, RCRA and/or CWA).
4. Each Region should identify, develop, and appropriately litigate/resolve TRI violations in cases developed as part of a multimedia inspection, or from a TRI inspection, as resources allow. TRI violations can be litigated/resolved separately or as part of a multimedia case.
5. Regions should prioritize compliance monitoring of targets based upon their own regional priorities and, as resources allow, categories of concern including potential never-reporters, facilities with potential data quality issues, and potential non/late-reporters.
6. Regions should address the priorities developed by OECA or Office of Chemical Safety and Pollution Prevention (OCSPP) including communities, chemicals, new regulations, chronic late filers, and facilities whose releases have the most impact on the TRI database.
7. Each Region should maintain cross-trained TRI credentialed inspector(s) that conduct TRI inspections when inspecting a facility subject to other statutory requirements (e.g., TSCA, CAA, RCRA and/or CWA). As part of the integration of TRI into other media inspections and cases, and OECA/OCSPP developed TRI targeting information should inform and elevate prioritization of the underlying air, water or waste inspection targeting in the regions.

8. OECA and the Regions should work with the TSCA, Air, RCRA, and Water compliance and enforcement programs to add EPCRA questions to information requests or inspection checklists where appropriate, evaluate the responses and take appropriate enforcement actions, consistent with national policy, or combined with other enforcement actions.

i. Federal Facilities

The compliance monitoring, compliance assistance and enforcement activities for the federal facilities compliance assurance and enforcement program are described below:

General EPA Activities in the Federal Facilities Program

1. Hold the federal government accountable to the same standard of environmental compliance as other members of the regulated community.
2. Focus resources to ensure federal facilities are in compliance under the EPA's National Compliance Initiative (NCI) areas and other agency focus areas, including NPDES and impaired waters, air toxics and chemical accidents, public health threats posed by lead exposure and noncompliance with drinking water standards, and federal facility impact in Clean Air Act non-attainment areas.
3. Except where the EPA directly implements a regulatory program, work with state, local and tribal partners to address noncompliance at federal facilities, and when appropriate, collaboratively work towards coordinated compliance monitoring and response actions, or the assignment of appropriate roles for each entity.
4. Build the capacity of state, local and tribal governments to address noncompliance at federal facilities.
5. Provide compliance assistance to regulated federal entities to improve federal facility compliance with regulatory requirements.
6. Use appropriate enforcement response, as warranted, including both formal and informal enforcement, and employ the creative use of EPA enforcement and settlement tools, supplemental environmental projects, and self-disclosures to achieve expedited settlements and other consent agreements in accordance with EPA policy.
7. Meet statutory requirements to conduct a minimum number of inspections annually of federal facilities for Treatment, Storage, and Disposal Facilities (TSDF) under the Resource Conservation and Recovery Act.
8. Take timely and appropriate enforcement actions to address and deter noncompliance at federal cleanup sites and facilities.
9. Implement priorities identified through the Superfund Task Force to expedite cleanup and redevelopment, and ensure cleanup adheres to federal facility dispute timelines.
10. Use enforcement tools and authorities, as appropriate, to investigate and address federal sites with emerging contaminants, such as perfluorinated chemicals.
11. Partner and build relationships across the federal family to help identify and address compliance issues through strategic collaborative efforts.

Activities Where the EPA is Directly Implementing the Program

1. Address noncompliance at federal facilities with an appropriate EPA response, including the use of compliance assistance, compliance monitoring, or informal and formal enforcement.
2. Consult and collaborate with state, tribal, local partners and other impacted stakeholders as appropriate to ensure the protection of public health.
3. Meet all statutorily required federal facility inspection requirements for proper program implementation.

EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)

1. Provide leadership in addressing federal facility noncompliance when the unique or limited federal facility environmental enforcement authorities and other special considerations in federal facility enforcement inhibit a state's or tribe's ability to act to address the noncompliance.
2. Meet, in conjunction with authorized state and tribal regulators, all statutory federal facility inspection requirements, including the RCRA TSDF annual inspection requirement for federal facilities.
3. Provide state, tribal, and local regulatory programs with assistance in addressing federal facility noncompliance when requested.
4. Build the capacity of state, tribal, and local partners, through joint planning, compliance monitoring, capacity building, and the employment of appropriate enforcement strategies to address federal facility noncompliance.

Expectations for State, Territory, Tribal or Local Government Activities in Authorized Programs

1. Work with the EPA and other partners to identify roles and responsibilities for employing appropriate compliance assurance tools.
2. Ensure federal facility noncompliance is addressed through collaborative efforts with the EPA and other partners if appropriate.

j. Criminal Enforcement Program

The criminal enforcement program investigates and assists in the criminal prosecution of knowing violations of United States environmental laws as well as any associated violations of the U.S. criminal code, such as wire fraud, smuggling, or obstruction of justice. The program often works with other federal law enforcement agencies on cases of mutual interest. The program will continue to work with the civil enforcement program to look for opportunities to advance National Compliance Initiatives and instances of behavior on the part of regulated entities that represent inherently criminal conduct (e.g., falsifying data). The program will work with EPA civil enforcement and program offices in headquarters (HQ) and the regions to enhance the case screening process so decisions to prosecute civilly or criminally are based on the most appropriate way to respond to the violation. The program will focus on achieving results through providing clarity in situations where civil investigators should refer a matter to the criminal enforcement program, as well as sharing criminal enforcement information with the civil enforcement program, where appropriate. The program will integrate environmental justice (EJ) concerns in assessments of criminal investigations and will use the EPA's screening tools, regional input, and other relevant information.

General EPA Activities in the Criminal Enforcement Program

The OECA HQ Civil Program, along with EPA Regions, will coordinate with the Office of Criminal Enforcement, Forensics and Training to:

1. Refer to the criminal enforcement program for consideration any matter that appears to be criminal in nature.
2. Revise/update existing case screening policy memoranda to ensure that the criminal and civil enforcement programs are coordinating to ensure the optimal enforcement response to violations of federal environmental laws.
3. Conduct case screening sessions to agree upon the appropriate enforcement response to a potential criminal offense.

The Office of Criminal Enforcement, Forensics and Training will:

1. Develop priorities for case selection to support the goals of the Agency's Strategic Plan.
2. Conduct semiannual case and docket reviews, with CID Area Offices, to advance and track high-impact Tier 1, Tier 2, and newly-opened cases. Determine which cases, if any, need additional oversight from Headquarters.
3. Develop and provide training for civil regulatory counterparts (EPA, state, tribal, and local) to identify and share information regarding criminal conduct.
4. Through NEIC and NCFL, evaluate new and emerging technologies needed to implement enhanced targeting and compliance assurance approaches.
5. Analyze enforcement and compliance information to identify potential criminal violations.
6. Work with Department of Justice to use information obtained pursuant to the Crimes Victim's Rights Act (CVRA) when developing environmental crimes case resolutions (e.g., restitution).
7. Provide targeted training to state, tribal and law enforcement partners, including the International Association of Chiefs of Police, empowering them to identify, report, and address environmental violations, while also encouraging capacity building at the state, tribal, and local government levels.
8. Continue international enforcement efforts, such as working with INTERPOL to combat the illegal transnational smuggling of materials which violate U.S. environmental laws.

SECTION III. FLEXIBILITY AND GRANT PLANNING

A. FIFRA Cooperative Agreement Guidance

The purpose of this guidance is to identify pesticide program and compliance and enforcement program areas that must be addressed in state and tribal cooperative agreements and to provide information on work plan generation, reporting and other requirements. The [FY 2018-2021 FIFRA Cooperative Agreement Guidance](#) was issued in 2017.

B. TSCA Compliance Monitoring Grant Guidance

OECA updates the [TSCA Compliance Monitoring Grant Guidance](#) annually. EPA regional offices should use this guidance to negotiate and manage TSCA state and tribal grants to conduct compliance assurance and enforcement activities.

C. National Environmental Performance Partnership System (NEPPS)

Through the National Environmental Performance Partnership System (NEPPS), OECA encourages the continued use of Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) as vehicles for continuous collaboration and for increasing administrative, financial, and programmatic flexibilities for states, tribes, and territories, as appropriate. More information on NEPPS, PPAs, and PPGs can be found at:

- [FY 2020-2021 Office of Congressional and Intergovernmental Relations \(OCIR\) National Program Guidance](#)
- [EPA's NEPPS Website](#)
- [U.S. System for Award Management \(SAM\), Assistance Listings, PPGs](#)

SECTION IV. FY 2020 NATIONAL PROGRAM MEASURES

BFS Code	Measure Text	Indicator (Y/N)
TBD	The number of all referred, no complaint filed (RNCF), civil judicial cases that are more than 2.5 years old.	N
TBD	The percentage of EPA inspection reports that are timely completed and communicated to the regulated entity.	N
TBD	Increase compliance in the Clean Water Act National Pollutant Discharge Elimination System (NPDES) by reducing the percentage of permittees in significant noncompliance with their permit.	N
TBD	The number of EPA on-site compliance monitoring inspections/evaluations conducted by credentialed EPA inspectors in direct implementation states, territories, and Indian country and in authorized states, territories, and Indian country.	N
TBD	The number of EPA on-site compliance monitoring inspections/evaluations conducted by credentialed EPA inspectors in direct implementation states, territories, and Indian country and in authorized states, territories, and Indian country in support of National Compliance Initiatives (NCIs) per its implementation strategy.	N

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APPENDIX A. EXPLANATION OF KEY CHANGES FROM FY 2018-2019

Office of Enforcement and Compliance Assurance

Section of Guidance	Change from FY 2018-2019 NPM Guidances	Reason for Change	Location of New/Modified Information
General	<p>Identifies FY 2020-2023 National Compliance Initiatives</p> <p>Emphasizes the use of the full range of compliance assurance tools</p>	<p>New cycle of initiatives to begin in FY 2020</p> <p>To better convey the overarching goal of increased compliance and the use of not only enforcement actions, but the full range of compliance assurance tools, as described in the EPA’s August 2018 Transition from National Enforcement Initiatives to National Compliance Initiatives memorandum</p>	Section II.B, page 8
Strategic Measures	New measures to support Strategic Plan measures to: reduce the average time from violation to correction, and increase the environmental compliance rate	To align OECA priorities and activities to reflect the Agency’s FY 2018-2022 Strategic Plan objectives	Section II.B, page 6
Other Core Work	Delineates the roles and expectations for Direct Implementation and Authorized programs	To provide clarity on responsibilities	Section II.C, page 13
Measures	Discontinue Annual Commitment System measures	Focusing on new measures to support EPA strategic measures	Section IV, page 36
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