Office of Solid Waste and Emergency Response

FY 2013 NATIONAL PROGRAM MANAGER'S GUIDANCE

Draft – February 17, 2012

Publication Number 530P12001

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Executive Summary

I. Program Office

This guidance contains implementation priorities for all OSWER program offices: the Office of Superfund Remediation and Technology Innovation (OSRTI), the Federal Facilities Restoration and Reuse Office (FFRRO), the Office of Emergency Management (OEM), the Office of Brownfields and Land Revitalization (OBLR), the Office of Resource Conservation and Recovery (ORCR) and the Office of Underground Storage Tanks (OUST). OSWER's enforcement counterparts, principally the Office of Enforcement and Compliance Assurance's (OECA) Office of Site Remediation Enforcement (OSRE), Office of Civil Enforcement (OCE) and Federal Facilities Enforcement Office (FFEO), also are represented in this guidance. Additionally, OSWER collaborates with other agency programs on cross-media issues to address environmental concerns as One EPA.

II. Introduction/Context

The OSWER guidance defines national policy, strategic goals and priority activities and related enforcement goals managed by OECA that should be used by the regions, and in some instances, states and tribes. This guidance, prepared to implement priorities and strategies described in *EPA's FY 2011-2015 Strategic Plan*[1] and in *EPA's FY 2013 Annual Performance Plan and Congressional Justification*[2], should be used by the regions to align their activities with this guidance. Separately, it should be used to assist in National Environmental Performance Partnership System (NEPPS) discussions with states and with tribes as appropriate. The issuance of this guidance also marks the beginning of the process wherein regions, with input from states and tribes, establish their performance commitments toward achieving the agency's goals and enter them into the Annual Commitments System (ACS). Regions should allocate FTE and extramural resources as needed to achieve these national goals.

III. Program Priorities

In January 2010, EPA Administrator Lisa P. Jackson highlighted seven priorities to focus the work of the agency. These themes include taking action on climate change, improving air quality, assuring the safety of chemicals, cleaning up our communities, protecting America's waters, expanding the conversation on environmentalism and working for environmental justice and building strong state and tribal partnerships. OSWER supports these goals by cleaning up and restoring contaminated land, ensuring

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[1]The *FY 2011-2015 EPA Strategic Plan* including the agency's cross-cutting fundamental strategies can be found at http://www.epa.gov/planandbudget/strategicplan.html Waste programs are contained in goal 3.

[2] EPA's FY 2013 *Annual Performance Plan and Congressional Justification can be found at* http://www.epa.gov/planandbudget/annualplan/fy2013.html

proper management of waste and petroleum products, promoting sustainable materials management (SMM), preparing for emergencies and strengthening oversight of oil and chemical facilities subject to response and risk management plan requirements. The Community Engagement Initiative (CEI) advances the conversation on environmentalism by enabling early and effective community engagement of all stakeholders to ensure meaningful participation in government decisions on land cleanup, emergency response, and the management of hazardous substances and waste. Environmental justice is a priority through all of OSWER's waste programs, promoting community engagement and healthy and environmentally sound conditions for all people.

OSWER Priorities for FY 2013:

- **Promoting the Sustainable Use of Materials:** Promote the sustainable use of materials in the development of goods and services in order to advance the efficient use of resources, reduce the need for waste disposal capacity, minimize the environmental impacts of obtaining new mineral resources, and support our competitive advantage in a global market through nationally focused, results-oriented sustainable materials management (SMM).

- **Cleaning up Contaminated Sites and Promoting Reuse**: Reduce risk to human health and the environment by making communities safer and healthier, restoring groundwater to beneficial uses, protecting other natural resources, and promoting reuse of formerly contaminated sites.

- **Balancing the Overall Superfund Remedial Pipeline**: Balance the overall remedial pipeline, including site assessment, site characterization, remedial design, remedial action, and post-construction operations. Priority will be given to completing projects already underway and at various stages in the response process, as opposed to starting new project phases.

- **Implementing Contracts 2010 Strategy**: Implement the Contracts 2010 Strategy by placing emphasis on expanding use of socio-economic firms and local hires, while maintaining flexibility in the program's acquisition tools. Current efforts include evaluation of current acquisition tools to identify opportunities for streamlining and efficiencies. Headquarters and regional offices are collaborating to develop the framework for achieving the Contracts 2010 goals.

- **Promoting Brownfields Grant Efficiencies:** Implement streamlining measures to expedite the delivery of resources to communities, states and tribal governments to promote completion of assessments and cleanups leading to the reuse of the brownfield properties.

- **Safeguarding Communities from Chemical and Oil Spill Accidents:** Maintain high response readiness for chemical and oil releases while identifying ways to maximize resources by focusing on high risk facilities. Respond to hazardous

substance releases and identify responsible parties to maximize Superfund resources.

- **Protecting Communities through Regulatory and Guidance Actions**: Make progress in the subjects covered by several significant rulemakings, including the revised Definition of Solid Waste for hazardous secondary materials, standards for coal combustion residues, financial assurance requirements under CERCLA section 108(b), and adding the vapor intrusion pathway to the Hazardous Ranking System.

- **Expanding Job Training Opportunities in the Environmental Field:** Support non-profit organizations and other eligible entities through Environmental Workforce Development and Job Training (EWDJT) cooperative agreements to recruit, train and provide local unemployed and under-employed, predominantly low-income and minority residents with the skills needed to acquire full-time, sustainable careers in the environmental field and solid and hazardous waste remediation.

IV. Regional Priorities

OSWER works with EPA's 10 regional offices, states, tribes and other partners, to achieve its national goals. Regional offices also undertake efforts with our partners to address region-specific environmental conditions or concerns. OSWER recognizes these challenges and strives to provide flexibility and support for regional strategies that align with our shared priorities and goals.

V. Implementation Strategies

OSWER's cleanup programs stress the importance of incorporating environmental justice into all of its regulatory and non-regulatory activities. Recognizing that certain communities are disproportionately burdened by pollution – including minority and low income communities and tribes - OSWER works to address adverse health and environmental effects and to ensure they are given the opportunity to participate meaningfully in environmental cleanup decisions. The program places a strong emphasis on engaging communities in all stages of decision-making processes and working collaboratively to develop solutions that address community concerns.

OSWER will continue to implement the Community Engagement Initiative (CEI) started in October 2009 to enhance OSWER core programs and related regional engagement with local communities. The CEI promotes transparent and accessible decision-making processes and delivery of information that communities can use to easily and meaningfully participate in agency work. Proactive, meaningful engagement with communities helps EPA programs obtain better information about environmental problems and local situations, leading to more effective policies and decisions that can support community goals and plans.

In FY2013, OSWER will continue to coordinate with the multi-region, multi-program effort led by the Office of Policy to steer the agency towards using communities as one of the agency's "organizing principles'. Regions should look for opportunities to produce outcomes that enhance internal coordination among major community based programs, to help communities build capacity and leverage EPA funding and resources; strengthen staff capacity; and leverage partnerships with public and private sector entities. OSWER will continue to share best practices and lessons learned from the CEI to integrate into the larger agency-wide effort.

For the past two years OSWER has advanced specific actions to operationalize community based participation across OSWER's programs and into all aspects of our core programs and processes (e.g., decision-making, rule-making, providing technical assistance, employee training). In FY 2013, OSWER will institutionalize the results and products from its CEI[3] and integrate them into all OSWER programs through several activities, including:

- Continued development of an interactive Community Engagement Network;
- Coordinating community engagement training for EPA personnel;
- Integrating CEI results and products into program and project planning (e.g. considering the "3 R's" framework of delivering the right information to the right place at the right time to communities);
- Supporting ongoing internal EPA and inter-agency partnerships that align resources or activities in communities, and;
- Enabling agency-wide use of OSWER's Technical Assistance Services for Communities (TASC) contract to provide technical assistance to communities.

The CEI also supports the principles of the Presidents Open Government Directive promoting transparency, collaboration and participation; the agency's Environmental Justice 2014 strategic plan; and key focus areas within the cross-cutting fundamental strategy action plans.

OSWER and OECA will continue to implement the Integrated Cleanup Initiative (ICI), a multi-year effort to better use the most appropriate assessment and cleanup authorities to address a greater number of sites, accelerate cleanups where possible, and put those sites back into productive use while protecting human health and the environment. EPA will apply regional best practices for managing cleanup projects, as well as lessons learned from project management pilots and other ICI initiatives more broadly in the program. Given current budgetary challenges, there will be increasing focus on integrating successful new concepts and project management strategies.

The ICI has the following five objectives: 1) *Starting Cleanups* focuses on site identification and assessment activities in the early stages of the cleanup continuum; 2) *Advancing Cleanups* emphasizes coordination during cleanup activities, including enforcement strategies; 3) *Completing Cleanups* focuses on applying lessons learned

[3] The Community Engagement Initiative (CEI) Action Plan can be found at http://www.epa.gov/oswer/docs/cei_action_plan_12-09.pdf

from pilot projects aimed at accelerating cleanup to the full spectrum of Superfund cleanup, reporting to the public, and leveraging revitalization efforts as cleanups are completed; 4) *Evaluating Performance Metrics and the Effectiveness of the ICI Activities* focuses on performance measurement; and 5) *Communicating the Progress* focuses on communicating the benefits of our cleanup programs.

The following are examples of activities in EPA's cleanup programs which are being undertaken as part of this initiative:

- Examining current site assessment program policies and practices;
- Revising Hazard Ranking System (HRS) to reflect current science and include vapor intrusion as a pathway for contaminants;
- Striving to increase the number of Superfund sites where optimization studies are conducted;
- Evaluating how streamlining the delivery of brownfields resources to communities, states and tribal governments for site assessment and/or cleanup can more effectively lead to the cleanup and reuse of sites;
- Leveraging Superfund Removal and Brownfields program resources to increase cleanup, revitalization and economic development at brownfield properties and removal sites;
- Assessing possible contract efficiencies;
- Applying regional best practices for managing Superfund cleanup projects and lessons learned from project management pilots;
- Examining opportunities for early and focused enforcement efforts to compel timely cleanup;
- Examining opportunities for maximizing PRP-led removal actions.
- Maintaining progress toward constructing remedies at most RCRA corrective action sites, and cutting off human exposure and groundwater pathways at these sites, by 2020;
- Enhancing RCRA program focus on federal facilities by building on existing relationships with Federal corrective action partners (e.g., Army, Navy, Air force, NASA, DOE);
- Improving communication to the public regarding significant milestones at RCRA corrective action sites making progress for a targeted number of long-term, complex, high visibility facilities;
- Finalizing a new RCRAInfo code to better communicate progress at operating facilities as they reach construction completion; and
- Pursuing strategies to reduce backlog of UST releases.

EPA will continue to implement its RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites initiative[4] to encourage siting renewable energy facilities on thousands of currently and formerly contaminated properties across the nation. Cleanup project managers in all land cleanup programs are

[4] For more information about RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites initiative, please see http://www.epa.gov/renewableenergyland/index.htm

encouraged to consider renewable energy production on their sites as a redevelopment option. The RE-Powering Rapid Response Team, assembled to provide quick and accurate input on renewable energy development, is available to assist with assessing sites for renewable energy and moving projects forward. OSWER's Center for Program Analysis (CPA) is working with the RE-Powering team to develop tools and communication materials to promote national consistency across the regions for siting renewable energy on potentially contaminated lands. In FY 2013, OSWER will implement action items under the RE-Powering management plan that include providing training for EPA regions, states, local governments and tribes, working with the National Renewable Energy Lab (NREL) and communities selected for feasibility studies, coordinating with state and local governments to improve capacity, developing case studies and reporting results.

OSWER will maximize existing resources while maintaining high response capabilities and conducting prevention and preparedness activities. Focus will be placed on inspecting high-risk Risk Management Plan (RMP) and Facility Response Plan (FRP) facilities, making RMP data more available to the public and working with labs with chemical warfare agent capabilities to determine whether consolidation is possible while maintaining effectiveness. Cost-benefit analysis was conducted during FY 2012 and will continue in FY 2013. EPA also will begin development of the third party audit program to help improve the efficiency of targeting inspection resources at lower risk facilities.

OSWER will continue to build upon strategies used for implementing the agency's FY 2010-2011 Brownfields Area-Wide Planning Pilot Program priority goal. The Brownfields Area-Wide Planning (BF AWP) program provides planning assistance in the form of grant funding (and technical assistance, as needed), to targeted areas – such as a neighborhood or local commercial corridor – affected by a single large, or multiple, brownfield site(s). Receiving a BF AWP grant enables the recipient to develop reuse plans for catalyst brownfield sites, and determine strategies for plan implementation (including identifying site assessment, cleanup, and other local improvements needed to help revitalize the area and ensure successful reuse of the brownfields).

Recipients develop an area-wide plan for brownfields through the following actions:

- facilitating community involvement activities, to identify community priorities and ways to meet those priorities through area brownfields revitalization; and
- conducting research into the existing conditions of the targeted brownfields area (such as brownfields market analysis, infrastructure studies, known environmental conditions of the properties, community health issues and environmental justice concerns, etc); and
- developing a detailed implementation plan, which includes leveraging of federal/state and other resources for key infrastructure improvements.

OSWER will be implementing an expanded approach to Environmental Workforce Development and Job Training (EWDJT that will provide funding to governmental entities and nonprofit organizations. The funding will enable these organizations to recruit, train, and provide local unemployed and under-employed, predominantly low-income and minority residents with the wider skill set needed to acquire full-time,

sustainable careers in various aspects of hazardous and solid waste management and within the larger environmental field. EWDJT cooperative agreements help residents take advantage of the jobs created by the assessment, cleanup, and redevelopment of solid and hazardous waste sites in their communities. This effort also gives communities more flexibility to provide differing types of environmental training based on local labor market assessments and employers' hiring needs.

OSWER will advance the sustainable materials management (SMM) practices to create a cradle-to-cradle perspective. This involves integrating information to foster a national focus, formulating and issuing policy, and addressing market challenges on raw material usage (non-fossil fuel or food). EPA considers the human health and environmental impacts associated with the full lifecycle of materials—from the amount and toxicity of raw materials extraction, through transportation, processing, manufacturing, and use, as well as re-use, recycling and disposal. The agency's approach to SMM integrates the safe reuse of materials with economic opportunity. The initial strategy areas include: (1) federal green challenge to reform government practices, including purchasing, in an environmentally friendly manner; (2) sustainable food management to help capture and prevent food from being disposed in landfills; and (3) increase the amount of used electronics managed by accredited third party electronics recyclers.

OSWER will continue its extensive and carefully planned participation in state organization meetings of the Environmental Council of States (ECOS) and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). In FY 2013, OSWER management will continue sponsoring quarterly contact with state organizations, including conference calls with the ECOS Waste Committee in the spring and fall, and Open Door Video Webinars with an open invitation to all states in the winter and summer. We will continue outreach to our co-regulators to recognize ongoing fiscal pressures and help identify ways to ease state burdens, such as work sharing, without compromising environmental protectiveness.

VI. Performance Measures

EPA is pursuing program efficiencies under its ICI to improve the management of the program and increase joint efforts among programs as well as defining and implementing new performance measures that further describe the achievements of EPA's cleanup programs. In FY 2013, OSWER will continue to explore opportunities for improved performance metrics, communication and coordination among EPA's programs and partners.

EPA is currently working with OMB to establish its FY 2012-2013 priority goals. As part of these discussions, OSWER has proposed a cross-program goal tracking progress with cleaning up contaminated sites and making them ready for use. Setting goals for making sites ready for anticipated use is an important facet of EPA's overall strategy to improve the accountability, transparency, and effectiveness of EPA's cleanup programs. By September 30, 2013, an additional 22,100 sites will be ready for anticipated use.

OSWER continues to emphasize the importance of cross-program revitalization measures to promote and communicate cleanup and revitalization-related accomplishments and associated benefits/values to society. In FY 2013, OSWER will enter its second year of reporting on the number of sites made ready for anticipated use under its priority goal. OSWER will also report

the number of acres that are ready for use. These measures enable OSWER to more fully describe the collective scope of sites being addressed by all of its cleanup programs as well as acres-based progress. Further, OSWER will continue to collect and report results for two other cross-program revitalization measures:

- *Universe Indicator* - the total number of sites and acres being addressed by all OSWER's cleanup programs.

- *Protective for People Performance Measure* - the number of sites and acres at which there is no complete pathway for human exposures to unacceptable levels of contamination based on current site conditions.

OSWER programs are expected to provide updates on these measures in the OSWER Accomplishment Report.

In the area of waste minimization, OSWER will be implementing a new SMM annual performance measure, "Tons of materials and products offsetting use of virgin resources through sustainable materials management," with performance targets for FY 2012 and 2013. To support the national goals, we also will implement a measure in ACS, "Number of participants recruited for Sustainable Materials Management Challenges." For purposes of reporting, OSWER will continue efforts to improve measurement of materials management which might require adjustments to or the replacement of the existing MSW Characterization report.

OSWER has identified performance measures and is exploring their potential for reflecting benefits to children's health and environmental justice populations. These include the Superfund and RCRA programs' human exposures to toxins under control measures for children's health populations and the acres of brownfields property made ready for reuse measure for both children's health and environmental justice populations. OSWER supports the agency's focus on children's health and environmental justice and is in the process of exploring options for reflecting progress in these priority areas.

EPA and DOD have formed a Goal Harmonization workgroup which is committed to better assess cleanup progress at Superfund federal facility NPL installations in an effort to: 1) harmonize critical performance measures and metrics; 2) improve out-year planning; 3) and effectively communicate cleanup results. EPA will also continue to work with stakeholders, including tribes, to identify and address priority issues in assessing cleanup progress. In addition, FFRRO is considering new metrics to better capture the contributions and goals specific to EPA's federal facility cleanup program.

OSWER will focus on improved data quality for its Superfund removal measures. Fundamental information, such as the contaminant of concern, is often not provided for a removal action. New tools have been developed to enable data sharing between the regions and headquarters and certain data elements will need to be entered into the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) for regions to receive credit for a removal completion. The new tools will make it possible for regional staff to enter required data only one time, with the assurance that the data will be available to multiple audiences. OSWER

also will work with OECA to continue to pursue PRP-led removal actions to maximize performance output and to make the most of program resources.

VII. Stakeholder Comments

Regions and other stakeholders may send their comments to OSWER using EPA's official template, available on EPA's planning and budgeting website (http://www.epa.gov/planandbudget/annualplan/fy2013.html). The comment period lasts approximately one month - from February 17 to March 19, 2012. Comments and suggestions will be considered by OSWER for the final version of the guidance to be released in late April.

VIII. Program Contacts

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Key National Program Strategies and Priorities

SUPERFUND REMEDIAL AND FEDERAL FACILITIES RESPONSE PROGRAMS

Program Overview

On December 11, 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA was enacted to fill a major gap in environmental and health protection by providing the Federal Government with additional statutory authority to respond to releases and threats of releases of hazardous substances, pollutants and contaminants. CERCLA was later amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986.

This NPM guidance provides direction to the regions, states, tribes, local governments, and other federal agencies that are key government partners in the cleanup of Superfund hazardous waste sites. The Superfund Remedial and Federal Facilities Response programs will continue to work closely with these partners in accomplishing these key goals and objectives under the EPA FY 2011-2015 Strategic Plan.

Superfund Remedial Program

The Superfund Remedial program protects the American public and its resources, making communities safer, healthier, and more economically viable. It is responsible for implementing the federal program aimed at longer term cleanup at the nation's largest, most complex contaminated sites - private party and orphan.[5]

Superfund sites exist in hundreds of American communities encompassing a very small footprint or covering thousands of acres (land and/or water bodies). Sites have combinations of contaminated soils, buildings, sediments, surface water, air, and groundwater. The sites are located in all types of communities from rural to large urban settings. Many are co-located in economically distressed communities and frequently these communities suffer from disproportionate adverse environmental exposures.

Since its inception the Superfund program has assessed nearly 50,000 sites and currently has over 13,700 active contaminated sites.[6] EPA Remedial program activities include assessing a site for degree and scope of contamination, developing cleanup strategies, designing and constructing remedies, and long-term monitoring of certain remedies. EPA also supports making formerly contaminated sites community assets, having placed more than 500 National Priorities List (NPL) sites into reuse over the past decade. Throughout this process the program actively engages the communities, local governments, states, tribes, investors, and potentially responsible parties to ensure site-progress information is shared and opportunities for feedback are provided.[7] During FY 2013, the Superfund Remedial program and other Superfund programs will continue to

[5] Orphan sites are sites where the previous owner no longer exists (e.g., .a corporation that has been dissolved).
[6] Data are from CERCLIS, the program's information management system, as of 12/13/11.
[7] For more information on the Superfund Remedial program go to http://epa.gov/superfund/

increase efforts to explain its work to all stakeholders.

Superfund Federal Facilities Response Program

The Superfund Federal Facilities Response program facilitates faster, more effective and timely cleanup and reuse of federal facilities while ensuring protection of human health and the environment from release of hazardous substances. Nationwide, there are thousands of federally-owned contaminated sites. These federal facilities are contaminated with hazardous waste, military munitions, radioactive waste, fuels, and/or a variety of other toxic contaminants. These facilities include various types of sites, such as: realigning and closed military installations, abandoned mine lands, former and current nuclear weapons production facilities, fuel distribution areas, and/or landfills.

The agency fulfills a number of statutory and regulatory obligations at federal facilities, including conducting oversight of those sites on the Superfund NPL where cleanup is conducted by other federal agencies, such as the Department of Defense (DoD) and the Department of Energy (DOE). One major role of the program is to ensure statutory responsibilities related to the transfer of contaminated federal property at both NPL and non-NPL sites are properly met. Such responsibilities include approval of transfers prior to implementation of remedies at NPL sites (i.e., early transfer), and approving determinations that remedies are Operating Properly and Successfully (OPS) at both NPL and non-NPL sites. Often EPA, and the parties implementing the remedies, face unique challenges due to the types of contaminants present, the size of the facility and extent of contamination, ongoing facility operations, community involvement and input, and complexities related to the redevelopment of the facilities.[8]

The Superfund Federal Facilities Response program also works with DoD at select Base Realignment and Closure (BRAC) installations. With the enactment of BRAC legislation, more than 500 major military installations representing the Army, Navy, Air Force, and Defense Logistics Agency were slated for realignment or closure in 1988, 1991, 1993, 1995 and 2005. Under the first four rounds of BRAC, 107 of those installations required accelerated cleanup.

Through a Memorandum of Understanding (MOU) between EPA and DoD, EPA supports accelerated cleanup and transfer at select BRAC I-IV installations. Once the remedy for a site on a DoD BRAC installation designated for closure is determined to be OPS, as defined in EPA's Guidance for Evaluation of Federal Agency Demonstrations, or a portion of the installation is transferred, DoD will discontinue funding EPA's assistance and support under the MOU. As more BRAC I-IV installations reach OPS or are transferred, the number of installations where EPA provides accelerated support will decrease and eventually end. Additional work may be required by EPA at NPL BRAC sites, once DoD's funding stops, to fulfill its statutory responsibilities but the work will no longer be on an accelerated path. FY 2015 is DoD's target date for ceasing reimbursable funding at most BRAC I-IV sites.

[8] For more information on the Federal Facilities program go to http://www.epa.gov/fedfac.

The Civilian Property Realignment Board's FY 2012 Congressional Justification to the President, included the Civilian Property Realignment Act which creates a Civilian Property Realignment Board to investigate disposal and consolidation opportunities for federal property and present recommendations to Congress. The federal government is the largest property owner and manager in the United States, with an inventory of over one million buildings, structures, and land parcels. It is anticipated that a small number of these properties will require site characterization under CERCLA before they can be transferred. In FY 2013, the Federal Facilities Response program will partner with other federal agencies on site characterization and Civilian Real Property transfers, consistent with EPA's authority under CERCLA.

Program Funding

Balance the Overall Remedial Pipeline: As part of the FY 2013 EPA budget request, the Superfund Remedial program absorbed an over $33 million reduction from the FY 2012 enacted budget. This is in addition to an over $40 million cut to the Remedial program's budget in FY 2012. These reductions will have significant effects on program performance and will require the program to further balance the overall remedial pipeline, including: site assessment, remedial investigation/feasibility study, remedial design, remedial action, and post-construction operations. Priority will be given to completing projects already underway throughout the response process, as opposed to starting new project phases. Consequently, we are not planning on new starts using appropriated dollars. This will lead to a reduction in the number of projects initiated throughout the pipeline, as well as extend project durations. It will also lead to a decline from FY 2012 to FY 2013 in performance outputs for four of the Remedial program's performance measures.

Special Accounts: The agency will continue to focus attention on the management of special accounts to further advance program effectiveness and site cleanups. Special accounts are site-specific, interest bearing sub-accounts within the Superfund Trust Fund established through settlements with potentially responsible parties and used to fund site-specific response work. Over the past two decades, EPA has collected and placed in special accounts more than $3.7 billion in settlement funds, and has expended or obligated more than $2.2 billion to the cleanup of hundreds of Superfund sites. EPA will continue efforts in FY 2013 to improve the management of Superfund special account resources. Efforts will include conducting beginning of year and mid-year reviews of special accounts to ensure appropriate planning and use of these resources, with a particular focus on those accounts with more than $1 million available and reviewing accounts with small balances for opportunities to close them out. In addition, EPA's Special Accounts Senior Management Committee will review and update the Special Accounts Management Strategy in FY 2013 to ensure it reflects current priorities and encourages effective management of special accounts.

Federal Facility Program: In the FY 2012 enacted budget, EPA's federal facilities program absorbed a 16% extramural budget reduction and a 12% reduction in FTE's from the FY 2011 enacted budget. These reductions have limited all Superfund federal facility

oversight work to NPL sites only. The program can no longer work on non-NPL site-specific activities. The FY 2013 President's Budget provides the federal facilities program with a 2% increase which will be directed toward NPL oversight efforts.

Program Priorities

The Superfund Remedial program's top priority remains reducing risk to human health and the environment. To achieve this goal, the program will continue to investigate actual or potential releases of contaminants at sites, and where appropriate, designate certain sites as national priorities by placing them on the NPL. For sites on the NPL, the agency will focus on completing the ongoing project phases (remedial investigation/feasibility study, remedy design, and remedy construction) as opposed to starting new project phases. EPA will not reduce its statutorily mandated actions to operate ground water remedies it has constructed or activities that monitor and assess the protectiveness of the constructed remedies (five year reviews). The program will continue to place emphasis on promoting site reuse in affected communities. The Superfund Remedial and Federal Facilities Response programs will also focus on a variety of other priorities.

- **Integrated Cleanup Initiative (ICI)**: FY 2013 will mark the fourth year of the agency's multi-year ICI[9]. During this fiscal year, many of the outcomes of the ICI will be implemented as part of the program's operations to leverage the resources available to address needs at individual sites.

  Given the experience gained under the ICI, including results from pilots that explored new approaches to project management, or that demonstrated regional best practices with an eye to broadening their use across other regions, the Superfund Remedial program will apply the most promising lessons learned at other sites. The program will also use focused planning to project remedial action costs and time frames for three years in the future. The program will manage a constrained budget by strategically managing remedial action funding and will continue to use risk as the overriding factor in its fund-lead cleanup work. Those sites that are not "human exposure under control" or "groundwater migration under control" will receive greater consideration, as will sites recommended by the National Risk Based Priority Panel. Specific work being done that supports this initiative includes:

    - **Update the Hazard Ranking System (HRS)**: The Superfund program recognized that the current HRS used to place releases on the Superfund NPL excludes a significant real exposure pathway: vapor intrusion. The HRS was last updated in 1990. In order to reflect the science that evolved over the past two decades and to protect public health, in FY 2013, EPA will continue to move forward to add this pathway to the HRS. The EPA does not expect that this addition will result in additional site assessments

[9] For additional information on the Agency's ICI, please refer to http://www.epa.gov/oswer/integratedcleanup.htm

being conducted per year. However, because subsurface intrusion sites have the potential to pose a higher level of risk than other exposure routes, EPA expects that there will be a realignment and reprioritization toward subsurface intrusion evaluations.

- **Managing to Completion:** As part of the ICI, in FY 2013, OSWER will continue to implement the measure, "Number of remedial action (RA) projects completed at Superfund NPL sites," which was reported for the first time in FY 2011. This measure augments the long-standing construction completion measure by reporting incremental progress in protecting human health and the environment. Tracking and reporting progress at sites at a more granular level provides a perspective that is fundamental to a successful project management strategy.

  Best Management Practices (BMPs): In the fall of 2010, OSWER's Superfund Remedial and Federal Facilities Response programs, OECA's Site Remediation program, and the regions compiled and shared BMPs for regions to consider as they work to improve Superfund Remedial project management under the ICI. As part of this effort, regional Superfund division directors submitted region-specific plans for testing or implementing selected practices. Examples of these BMPs include: new, enhanced, or re-invigorated use of Regional Decision Teams (RDTs); improved project management planning and communication; improved coordination with partners/stakeholders; and increased use of removal resources for remedial work. Progress in implementing regional BMPs was discussed by the regions and headquarters during FY 2011 mid-year and end-of-year work planning sessions. EPA will continue to apply the most promising business practices more broadly across the regions in FY 2013.

  In addition to the above activities, in FY 2013, EPA will implement final revisions to site assessment program policies and practices as well as new guidance intended to improve the consideration, use, and maintenance of institutional controls in Superfund site communities.

  Pilots: As part of EPA's ICI, nine pilot projects were identified where best management practices and innovative solutions are being employed. Lessons learned from the nine pilots initiated during FY 2011 to explore cost effective options for accelerating remedial action projects and for otherwise improving the way we manage Superfund remedial projects to completion will be applied more broadly at our sites. Four pilots were completed by the end of FY 2011, most will be completed by the end of FY 2012, and all nine should be completed by the end of FY 2013.

  Superfund site cleanup strategies involve many different stakeholders. As a result, it is important to share information about cleanup progress and plans for future work in a straightforward and visible manner. For these

reasons, OSRTI, OECA, FFRRO and the regions have explored options for sharing information about cleanup progress and plans for future work at sites and are now implementing a 16-month, cross-regional pilot to achieve this goal. Completion of a final report on the site schedules pilot is expected in second quarter of FY 2013.

Results from completed pilots to date highlight several promising themes that may contribute to the acceleration of remedial work in the following ways:

1) Assurance that funding will be available to complete the project permits a more streamlined decision-making process;
2) Use of pre-placed contracts saves acquisition time and money over site-specific procurements;
3) Increased use of in-house EPA resources and expertise enhances project efficiency by saving time and money;
4) Beginning the remedial action as soon as possible (concurrent with the remedial design or earlier), permits compression of the typically sequential remedial design and remedial action schedules thus reducing overall time to project completion; and
5) Enhanced investment by EPA personnel in the pace and success of a cleanup brings greater likelihood of outcomes that are both timely and cost effective.

Further, given that resources will be limited in FY 2013, EPA will work with regional offices to appropriately balance resources against more immediate remediation needs to ensure that communities are well protected and that sites are cleaned up as quickly as possible.

- **Optimization**: In FY 2013, the Superfund Remedial program will advance the implementation of the *National Strategy to Expand Superfund Optimization Practices from Remedial Investigation to Site Completion*. The program will strive to incorporate optimization principles into our core business practices related to site cleanup at all sites. Consistent with the goals of the strategy, OSRTI will undertake a number of activities to better integrate best practices and lessons learned from past optimization studies into the framework of earlier site activities, and, where appropriate, optimize activities earlier in the pipeline process. Separately, OSRTI will also expand the application of optimization studies at more sites and earlier in the process by increasing the number of sites where optimization studies are conducted from past rates of 5-10 per year to 20-30 (ongoing and new sites) per year, contingent on the availability of funding to maintain this increased workload. In addition, the Remedial program will improve tracking, reporting and dissemination of optimization study results. Based on the results of the application of optimization across the clean-up life cycle, the increased technical support

and the improved tracking, the Remedial program will emphasize incorporation of optimization lessons into the institutional framework of the program through activities to augment program, contract, and technical guidance and through an active optimization training program.

- **Contracts 2010 Strategy:** In March 2011, the Superfund Senior Regional Management Acquisition Council (SRMAC) issued the Contracts 2010 Strategy Report. The strategy is intended to provide EPA with an acquisition approach for carrying out Superfund cleanup and enforcement that is fully integrated across all the programs and efficiently and effectively uses available workforce and financial resources. This update to the Superfund Contracts 2000 Strategy includes seven goals which emphasize identifying opportunities for process and cost efficiencies, green remediation, expanding the use of socioeconomic firms, and identifying a full range of vehicles available for obtaining services for the Superfund programs. In FY 2012, through a collaborative effort, regions and headquarters participants will be developing the framework for implementing the Contracts 2010 goals. Evaluations of current contracting and benchmarking of best practices throughout the federal government and industry will be used to improve our current contracting tools for all stages of cleanup. Implementation of Contracts 2010 will capitalize on the lessons learned in optimization studies.

- **Green Remediation:** The Superfund Remedial program strives to use natural resources and energy efficiently, reduce negative impacts on the environment, minimize or eliminate pollution at its source, and reduce waste to the greatest extent possible. The practice of green remediation considers and addresses all environmental effects of remedy implementation for contaminated sites and incorporates options to maximize the net environmental benefit of cleanup actions including local impacts to adjacent communities.[10] Regions benefit from the renewable energy certificate (REC) purchase by the Superfund Remedial program. In FY 2013, OSWER will continue its work with other site cleanup programs and organizations to advance green remediation practices and identify new opportunities and tools to make greener decisions across Superfund cleanup sites by implementing its national strategy for green remediation, without compromising cleanup goals and environmental protection.

- **EPA/DoD Goal Harmonization Project**: The Superfund Federal Facilities Response program has been working with DoD to attain long-term environmental measures through the Goal Harmonization Project. These efforts will continue in FY 2013. The EPA/DoD Goal Harmonization Workgroup released a joint recommendations document, which is available at http://www.epa.gov/fedfac/pdf/dod-

[10] For more information about green remediation, please see http://www.epa.gov/superfund/greenremediation/ and http://cluin.org/greenremediation/

epa_goal_harmonization_workgroup_recommendations_final.pdf. Additionally, EPA's Superfund Federal Facilities Response program has focused efforts on improving data and planning processes for targeting and completing cleanup milestones. Recommendations from analyses and studies are currently being evaluated and/or implemented, and will continue in FY 2013.

- **Federal Facilities Site Evaluation Project (FFSEP)** In FY 2012, the FFSEP was initiated, focusing on the earliest phases of cleanup – assessment, categorization, and evaluation. FFRRO, in coordination with EPA regions, had identified 514 federally-owned contaminated sites for which the current disposition is either unknown or unclear due to the lack of documentation of site cleanup activities. It has been determined that truly stalled sites make up a minority of the original list.

  Under the FFSEP, EPA is evaluating sites for current status progress towards cleanup goals. The information gathered through this process will assist EPA in meeting the ICI goal of better utilizing the agency's cleanup authorities to share information, accelerate cleanups where possible, address a greater number of contaminated sites, and put these sites back into productive use while protecting human health and the environment. As sites are updated, information will be made available on the FFRRO website, Superfund Site Profiles and linked to the ICI website. The FFSEP report and subsequent updates serve to maintain a level of diligence for the purposes of protectiveness and transparency to inform the public and allow communities to engage in local cleanup activities as it pertains to their health and surrounding environment. Further, streamlined Quality Assurance Project Plan (QAPP) templates will be available in FY 2013 that should simplify the QAPP development process and create greater ease in the use of the graded approach to quality activities.

- **Community Engagement Initiative (CEI)**: In FY 2013, the Superfund program will continue to integrate OSWER's CEI into its decision-making processes in order to ensure EPA's cleanup decisions are informed by the communities that are impacted by the contamination. Projects supporting this initiative include: continue to provide risk communication training for Superfund site teams; establish electronic information repositories for all new information repositories; prepare or update Community Involvement Plans (CIPs) in accordance with the CIPs tool[11]; conduct technical assistance needs assessments (TANAs) prior to providing technical assistance; work with communities to encourage diverse and broad-based participation in Citizen Advisory Groups, Technical Assistance Grant (TAG) awards, and other technical assistance; participate in CEI efforts to develop an OSWER-wide community engagement training program; and select multiple sites for Superfund Job Training Initiative (SuperJTI) projects.

[11] For more information on CIPs, please refer to http://www.epa.gov/superfund/community/pdfs/toolkit/ciplans.pdf

- **Environmental Justice**: The Superfund Remedial program has long incorporated environmental justice into its work and supports the Administrator's key priority of *Expanding the Conversation on Environmentalism and Working for Environmental Justice*. This priority encourages EPA to identify new and better ways to address the environmental justice issues facing many minority, low-income, and indigenous people, and the Remedial program is committed to promoting healthy and environmentally sound conditions for all people through its remedial cleanup program. The Remedial program works toward building capacity to engage communities in environmental decision-making. Toward that end, the Remedial program is committed to several efforts, including:

    - **Technical Assistance**: EPA provides technical assistance to communities to help them participate in decisions at Superfund sites in their community. EPA does this through TAGs[12], which provide money for communities to obtain technical assistance in interpreting information with regards to sites on the NPL, as well as the Technical Assistance Services for Communities (TASC)[13] contract, which provides technical advisors who can explain hazardous waste problems and cleanup plans to communities affected by Superfund sites.

    - **Training**: EPA provides assistance to communities through a variety of training resources.

      Through its SuperJTI[14], EPA supports job training in communities affected by nearby Superfund sites and encourages the employment of trainees at local site cleanups. By offering SuperJTI training, EPA provides career opportunities to environmental justice communities.

      The Superfund Remedial program also provides community involvement training and professional development opportunities for Superfund employees and affiliated partners through its Community Involvement University[15] (CIU), which offers one-, two-, and three-day courses at regional offices and national conferences. This training is intended to provide Superfund staff with the necessary skills, techniques, and practices to engage communities in the Superfund process.

      The Superfund program is also pursuing collaboration with the Institute for Tribal Environmental Professionals (ITEP) to support training, technical information dissemination, technical assistance, and research on cleanup technologies and resource conservation in the areas of solid and hazardous waste. The Superfund Remedial program will share existing

[12] For more information about TAGs, please visit http://www.epa.gov/superfund/community/tag/
[13] For more information about TASC, please visit http://www.epa.gov/superfund/community/tasc/
[14] For more information about SuperJTI, please visit http://www.epa.gov/superfund/community/sfjti/
[15] For more information about CIU, please visit http://www.trainex.org/ciu/default.cfm

training materials and assist in the delivery of training courses, as well as continue to raise awareness among tribes of our capabilities to provide technical support and review of technical tools and approaches for tribal site cleanup and investigation.

Lastly, the Superfund Remedial program is developing a program to meet training and information needs of minority-owned and disadvantaged small businesses (MDSB) to build their technical capacity to successfully compete for site cleanup contracts. The program identified technology and program training and information needs of MDSBs through a series of discussion forums held across the country in 2010 and 2011. With support from the Office of Small Business Programs, we initiated training delivery in 2011 and will continue to offer training opportunities in 2012 and 2013.

- **Outreach Activities**: After a site is placed on the NPL, Superfund develops a Community Involvement Plan (CIP) that provides recommendations for addressing community needs. CIP is a living document that should be continuously updated, and explains when a comprehensive CIP revision should be undertaken. In FY 2013, Superfund will continue to emphasize the importance of the CIP[16].

- **Information Tools:** The Superfund Remedial program supports the development of information tools to more clearly portray site information site technologies, and risk information to communities.

  The Superfund Remedial program is collaborating with EPA's Office of External Affairs and Environmental Education (OEAEE) to pilot a new color-coded sampling results communication tool on select Superfund sites (one Remedial and one Removal site in each region) and to help OEAEE train Superfund staff in this new risk communication tool. The Superfund Remedial program will continue this work in FY 2013.

  In addition, the program is also providing translation and interpreter support for Superfund regions through an Interagency Agreement (IA) with the State Department, and is updating the *Superfund en Espanol* website and will continue to manage, improve, and showcase Spanish translated documents displayed on the *Superfund en Espanol* website.

- **Site Re-use**: Revitalizing communities and ensuring the long-term protection of human health and the environment remains a high priority for the EPA at Superfund sites. The agency works with local governments, local residents, reuse entities, and others to identify reasonably anticipated future land use and seeks to avoid response actions that might hinder or prevent site-reuse. The Site-wide Ready for Anticipated Use measure communicates that all cleanup goals for an

[16] See the Community Involvement Plans tool at http://www.epa.gov/superfund/community/pdfs/toolkit/ciplans.pdf

entire site have been achieved for both current and reasonably anticipated future land uses. The measure reflects the high priority EPA places on land revitalization as an integral part of the agency's mission for the Superfund program as well as the priority EPA is now placing on post-construction activities at NPL sites. In FY 2013, EPA expects to achieve a net total of 60 sites qualified for this designation bringing the program's cumulative total to 665 sites that are ready for re-use. The target change reflects reductions to the Superfund Enforcement program which is critical to implementation of institutional controls.

- **Technical Support to the Regions**: The Superfund Remedial program maintains considerable in-house expertise, knowledge, and field support capacity on technologies, approaches, and techniques related to site investigation and clean-up activities. In FY 2013, the program will continue to raise awareness in the regions of available headquarters technical support and to emphasize technical areas correlated to regional needs. The Remedial program will continue to provide access to high quality and cost-effective analytical services through the Contract Laboratory Program (CLP). Superfund Remedial activities will support the active information and application support on investigation and cleanup methods, the identification and application of innovative techniques and best practices, on a site-specific level, and the optimization of cleanup activities throughout the Superfund pipeline. To accomplish this objective, the Superfund Remedial program will fully utilize headquarters staff as well as available external support mechanisms (e.g., contracts, IAs) and partnerships (e.g., ORD technical support centers). In addition, OSWER will continue to work with the regions to increase the efficiency of the CLP.

- **Healthy Communities Initiative**: The Superfund Remedial program has dedicated an FTE to partner with the U.S. Army Corps of Engineers in cleaning up contaminated sediments in rivers adjacent to Superfund sites. The Corps receives funding under the Water Resources Development Act to dredge navigational channels in the same rivers where Superfund is responsible. In cleaning up contaminated sediments, our FTE coordinates the two program actions to ensure resources are effectively utilized and eliminate any duplication of efforts.

- **Federal Facility Cleanup Dialogue**: OSWER will continue engaging with stakeholders and other federal agencies to address issues raised in the FY 2011 Federal Facility Cleanup Dialogue (Dialogue) meetings. During those meetings, stakeholders discussed the progress, achievements and challenges surrounding the cleanup of federally-owned contaminated sites. Since then, EPA has established an ongoing Dialogue process for discussing specific challenges related to long-term stewardship, community involvement, and environmental justice. Participants in the Dialogue include representatives from tribal, state and local governments, advisory boards, non-profit groups, and communities as well as representatives from the DoD, DOE, Department of Agriculture (USDA) and Department of the Interior (DOI).

EPA, DoD, and DOE formed a workgroup to address improving the federal facility five-year review process and to explore the idea of including long-term stewardship information in the reports. The workgroup is developing a framework that should further improve the capability to produce technically accurate and timely five-year review reports, and subsequently provide for more timely and consistent review and approval. The workgroup is also developing a video on the five-year review process that can be used at community meetings to educate community representatives on the five-year review process. In addition, OSWER will conduct a series of webinars highlighting currently available information, and future webinars will focus on emerging information platforms and the potential information needs of stakeholders. We anticipate these outreach efforts to continue into FY 2013.

- **Federal Facility Five Year Reviews:** In FY 2011, OSWER finalized a policy memorandum that addressed program priorities for five-year reviews. The policy memorandum provides guidance to the regions on how EPA can make an independent decision on the protectiveness of the remedy and confirmed that five-year reviews are generally enforceable under the Federal Facility Agreements (FFAs). In FY 2013, we will continue to ensure that the policy memorandum is being implemented consistently. OSWER has developed a CERCLIS report of unresolved recommendations in the five-year review reports and will continue to work with its regions to ensure that these recommendations are monitored, tracked, and implemented. We will also continue to ensure that the results of five-year reviews continue to be made publicly available.

- **Federal Facility Agreements (FFA)**: Enforcement supports faster, more effective and timely cleanup and reuse of federal facilities. EPA has FFAs in place at almost all federal facility NPL sites regarding the cleanups conducted by the facilities and EPA's oversight of those cleanups. Those agreements lay out procedures for resolving disputes. Regions are expected to use the procedures of the agreements, or other applicable enforcement authorities (such as imminent and endangerment orders in applicable circumstances), when federal facilities are not complying with the terms of the agreements or with other legal requirements. Additionally, regions and headquarters offices will work together to get remaining NPL sites, as well as any new federal NPL sites, under agreements or other legally-enforceable agreements.

Performance Indicators and Goals

Performance Goals for FY 2013 (with ACS measure codes):

- Total of 650 remedial site assessments complete (ACS 122);
- Total of 115 remedial action project completions (ACS 131);
- Total of 19 site-wide construction completions (ACS 141);
- A net increase of 10 sites with human exposures under control (ACS 151);

- A net increase of 15 sites with groundwater migration under control (ACS 152);
- A net increase of 60 sites deemed ready for anticipated use site-wide (ACS S10).

Various performance goals and measures for the Superfund Federal Facilities Response program are a subset of the Superfund Remedial program's measures. The agency's ability to meet its annual Superfund targets is partially dependent on work performed by other federal agencies at NPL federal facility sites.

EMERGENCY PREPAREDNESS, RESPONSE, AND PREVENTION PROGRAMS

Program Overview

EPA's Emergency Response and Removal program is founded on the National Oil and Hazardous Substances Pollution Contingency Plan, commonly called the National Contingency Plan (NCP). The NCP was first published in 1968 to provide a federal blueprint for a coordinated approach among responsible parties and local, state, and federal responders for coping with potential oil spills in U.S. waters. Over the years, revisions have been made to the NCP to keep pace with the enactment of legislation. Following the passage of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1980, EPA and other federal agencies were provided increased authority and funds to respond to a release or substantial threat of a release of a hazardous substance, pollutant or contaminant into the environment, not just to the waters of the United States. Accordingly, the NCP was broadened to cover emergency response and removal actions to releases at hazardous waste sites.

Removal actions are of three types: (1) emergency, where action is required within hours or days; (2) time-critical, where timely action must begin to protect human health or the environment and the lead agency has up to six months to plan the response action; and (3) non-time-critical, where the lead action has at least six months to plan the response action.

Emergency Response and Removal

EPA's Emergency Response and Removal program is organized to work with and complement the varying capabilities of local and state agencies for responding to the types of oil and hazardous substances releases that occur in each region. The program acts as a federal safety net to allow for response to immediate threats when such response is necessary (e.g., when the nature, size or complexity of a spill is beyond the capacity or capabilities of the state or local responders). OEM will also focus on improved data quality for its Removal measures. New tools have been developed to enable data sharing between the regions and headquarters, and OEM will require certain data elements (e.g., the contaminant of concern, volume cleaned up) to be entered into CERCLIS for the region to receive credit for a removal completion.

In order to maintain a high state of effective response readiness and improve our capabilities to protect human health and the environment, using the NCP criteria, regions will continue to respond to high priority hazardous substance releases and oil discharges. OEM is also working with five regional labs where chemical warfare agent capabilities have been developed to identify efficiencies and determine the ways in which consolidation is possible while maintaining response readiness. Cost-benefit analysis was conducted during FY 2012, and OEM will continue this work in FY 2013.

OEM is working to advance the goals of OSWER's Integrated Cleanup Initiative (ICI), a multiyear effort to better use assessment and cleanup authorities to address a greater

number of sites, accelerate cleanups, and put those sites back into productive use while protecting human health and the environment. One example of leveraging is the use of Superfund Removal resources to assist Brownfields cleanup and redevelopment. Specifically, this connection will allow the agency to utilize the removal program, when appropriate and in accordance with the applicable statutory criteria, as a resource to assist communities with some or all of the cleanup activities at brownfields sites where cleanup monies are not otherwise available. This connection will be particularly productive when the Removal program is activated in conjunction with a Targeted Brownfields Assessment. The Brownfields program will activate its resources to help bring completed removal action sites into productive reuse. These resources can include further site characterization, technical assistance with necessary institutional controls, community engagement and site end-use planning. In FY 2013, OEM will work with OSWER's Office of Brownfields and Land Revitalization (OBLR) to build upon coordination activities that are already in place in the regions to achieve further integration of the two programs. OEM also will work with OECA to continue to pursue PRP-led removal actions in order to make the most of program resources.

Along with the efforts of the ICI, OEM is continuing its progress in increasing community involvement through OSWER's Community Engagement Initiative (CEI). This initiative is designed to help local communities meaningfully participate in government decisions on land cleanup, emergency preparedness and response, and the management of hazardous substances and waste. As communities become more involved, the agency is working to improve the ways in which we communicate important information back to the community. In recent responses (e.g., BP Oil Spill) and in exercises, OEM has developed websites with data about the event, with an eye to making the data more easily available to the communities involved. One tool developed to achieve this goal is a Sampling Methodology Scale that provides easy-to-understand, color-coded information on contamination levels. OEM will work with the Office of External Affairs and Environmental Education (OEAEE) and OSWER's Office of Site Remediation and Technology Innovation (OSRTI) to build upon the color coding pilot projects from FY 2012 and further refine the system for broader use within OSWER. OEM is also working with OSRTI to enhance OSWER's approach to risk communication and develop a training program for EPA staff, addressing the need to communicate risk more clearly to the diverse audiences that are affected by removal cleanups. This work will continue in FY 2013, integrating feedback from the other OSWER program offices.

To prepare for large-scale responses to incidents such as the Deepwater Horizon Oil Spill, World Trade Center, the anthrax attacks, and Hurricane Katrina, the agency instituted its National Approach to Response (NAR). The NAR emphasizes the need to provide the necessary levels and appropriate types of support during major responses and greater consistency across the regions in emergency response capabilities. Preparedness on a national level is essential to ensure that emergency responders are capable of managing multiple, large-scale emergencies. EPA will continue to improve its capability to effectively prepare for and respond to these incidents, working under its statutory authorities and, for major high-consequence incidents, will work closely with the Department of Homeland Security (DHS) and other government agencies within the

National Response Framework (NRF).

Through coordination of emergency preparedness and response activities, the Emergency Response and Removal program has many opportunities to integrate its work with that of other EPA offices, as One EPA, and will continue to build these relationships in FY 2013. The program plays a coordination role through the National Incident Coordination Team (NICT), which includes senior level representatives from all AA-ships.

EPA will continue to improve its capability to respond effectively to incidents that may involve harmful chemical, oil, biological, and radiological substances. This will involve exploring improvements in field equipment, response training and exercises, and technical capabilities. Further, EPA is improving the ways that response personnel share information and making it easier for regions to collect and input response data. We also will review response data provided in after-action reports prepared by EPA emergency responders following a release and examine lessons learned reports to identify which activities work and which need to be improved. Application of this information and other data will advance the agency's state-of-the-art emergency response operations.

There is also a need for collection and analysis of quality data to learn more about the results associated with prevention and preparedness activities and their effect on the prevention of releases and mitigation of the consequences. These data-related activities involve coordinated use of technology to ensure the data can be shared and analyzed across the key emergency management activities and the various accident scenarios. In FY 2013, we will continue to work with our partners at the local, state, tribal and federal levels to ensure that we are focusing on the areas where agency support is most required.

EPA will finalize Subpart J of the NCP that stipulates the criteria for listing and managing the use of dispersants and other chemical and biological agents used to mitigate oil spills. EPA will work with the U.S. Coast Guard to strengthen Area Contingency Plans (ACPs) and Regional Contingency Plans via revising and implementing guidance based on lessons learned from the Deepwater Horizon oil spill, discussions at National Response Team (NRT) and Regional Response Team (RRTs) meetings, and enhanced preparedness exercises.

Facility Oil Spill Preparedness and Prevention

The amended Clean Water Act requires facilities with certain quantities of oil to prepare Facility Response Plans (FRPs) and submit them to EPA (or other appropriate agencies). Approximately 4,000 facilities must submit FRPs to EPA. EPA uses information in the FRPs to develop ACPs under the NCP. EPA inspects FRP facilities and conducts unannounced drills to test facility preparedness. The Spill Prevention, Control and Countermeasure (SPCC) regulation under the Clean Water Act requires covered facilities to take specific steps to prevent and contain oil spills. EPA estimates that approximately 600,000 facilities are subject to the SPCC regulation. On November 5, 2009, EPA amended certain requirements of the SPCC rule in order to provide regulatory reform.[17]

[17] For more information on EPA's final SPCC rule, please see

EPA inspects approximately 1,000 SPCC facilities each year.

In FY 2013 the program will focus on high-risk SPCC and FRP facilities to maintain the national SPCC and FRP database and to complete connectivity to OECA's ICIS database and add the capability for electronic submission of FRPs. EPA also will continue to outreach to the SPCC community to assist them with implementing the program. The program will continue to support local, state, tribal and other federal responders at incidents when federal support is needed and appropriate, and direct and/or monitor responses by responsible parties. EPA also will begin development of the third party audit program to help improve the efficiency of targeting inspection resources. These third party audits will target low risk facilities.

Performance Goals for FY 2013 (with ACS measure codes):

- Removal: Number of PRP removal completions (including voluntary, AOC, and UAO actions) overseen by EPA (target 170; ACS 133).
- Removal: Number of Superfund-lead removal actions completed (target 170; ACS 132).
- Oil: Percent of all SPCC facilities found to be non-compliant which will be brought into compliance (target 40 percent; ACS 328A)
- Oil: Percent of all FRP facilities found to be non-compliant which will be brought into compliance (target 40 percent; ACS 327A).
- Homeland Security: Score for Core NAR evaluation (target 72 percent; ACS C1).

Supporting Chemical Accident Prevention, Preparedness and Response at the Local and State Levels

The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act, established requirements for federal, state and local governments, Indian tribes, and industry regarding emergency planning and Community Right-to-Know reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

EPA will actively inspect facilities that are required to have Risk Management Plans (RMPs), analyze RMP data to understand trends and causes of chemical accidents and utilize this data to conduct outreach to improve chemical safety, provide greater transparency and address broad community impacts. EPA also plans to post non-Offsite Consequence Analysis RMP data to the EPA web site in FY 2012 and will continue to find other ways to increase transparency in FY 2013.

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http://epa.gov/emergencies/content/spcc/spcc_nov09amend.htm

In FY 2012, EPA remains committed to working with states, tribes and local governments to promote transparency and open communication with local communities regarding chemical safety. In 2013, EPA will build upon these activities. States and local governments have a vital role to play in this work. State Emergency Response Commissions (SERCs) establish Local Emergency Planning Committees (LEPCs) that use information about chemicals in the community to develop comprehensive emergency plans. In addition, tribes can establish Tribal Emergency Response Commissions (TERCs).

There are more than 3,000 LEPCs nationwide and EPA has supported these organizations by developing and providing guidance as well as technical assistance, and some limited grants. EPA also worked with the National Oceanic and Atmospheric Administration (NOAA) to develop and provide the Computer-Aided Management of Emergency Operations (CAMEO) software to these committees free of charge. According to the latest LEPC Survey conducted in 2008, LEPCs and SERCs are continuing to address their responsibilities under EPCRA and some have expanded their activities to address homeland security.

EPA has further refined its strategy for maximizing resources devoted to the RMP program and will continue to focus its activities on high-risk facilities. Section 112(r) of the Clean Air Act encompasses both the General Duty Clause found in section 112(r)(1) and the Chemical Accident Prevention Provisions of 40 C.F.R. part 68. Regions will continue to devote inspection and enforcement resources to identifying and addressing noncompliance in both areas. In order to more efficiently use enforcement resources and in light of continuing concerns regarding public safety, EPA has developed criteria for determining which facilities pose a higher risk to human health and the environment.

Regions should inspect at least 4 percent of the total number of regulated facilities in the region during FY 2013. Of these inspections, at least 30 percent should be conducted at high-risk RMP facilities. A high risk facility is one that meets one or more of the following criteria: 1) facilities whose reported RMP worst-case scenario population exceeds 100,000 people; 2) any RMP facility with a hazard index greater than or equal to 25; and/or 3) facilities that have had one or more significant accidental releases within the previous five years (Note: facilities that have only program 1 processes are not considered high risk). Regional program managers may, after consultation with and approval by headquarters, alter the population and/or hazard index thresholds for their region in order to include additional facilities on the regional high-risk list. Regions may use this approach to account for region-by-region variations in population density, types of covered facilities, facility geographic clustering or other factors. However, all changes to the high-risk criteria must first be approved by headquarters.

EPA will count inspections at high-risk RMP facilities as a subset of the overall inspection target. All RMP inspections must be conducted in accordance with "Guidance for Conducting Risk Management Program Inspections Under Clean Air Act Section 112(r)" (EPA 550-K-11-001, January, 2011).[18] The field portion of all inspections at

[18] The Guidance for Conducting Risk Management Program Inspections Under Clean Air Act Section

multi-process or high-risk facilities should require a minimum of one certified RMP inspector for one day on site. For inspections at larger and more-complex facilities, regions should devote additional staff and/or time as appropriate to the size and complexity of the facility. Inspections must result in a narrative inspection report that includes the information elements described in Appendices C and D of the guidance, and include narrative findings (i.e., potential compliance deficiencies) that are supported by objective facts gained during the inspection through document reviews, personnel interviews, and observations of facility and equipment status, conditions and operations. All findings should relate directly to a specific requirement of CAA Section 112(r), 40 CFR Part 68 or an industry code or standard that the facility is subject to. Regions may use variations of the report or checklist formats contained in the guidance provided all necessary information is present in the inspection report. RMP inspections conducted at high-risk facilities should also include an evaluation of the facility's compliance with EPCRA sections 304 and 311/312. At the end of the fiscal year, regions must report the number of high-risk facility inspections completed, as well as the total number of non-filer investigations completed and of that total, the number of actual non-filers identified and required to comply with the RMP regulations. Inspection reports for high-risk facility inspections must be made available to headquarters on request in order to count toward the region's high-risk facility inspection target.

Performance Goal for FY 2013 (with ACS measure code):

• Number of risk management program audits and inspections completed (target 500[19]; ACS CH2).

Environmental Justice

OEM will continue to work through the CEI to address environmental justice issues. Actions 11 (Evaluate Risk Communication Processes and develop a Comprehensive Education Program) and 12 (Improve Communication of Sampling and Testing Results) of the CEI will help EPA to improve the way that it communicates with the public and other stakeholders with regard to contamination levels and the associated risks of contaminants. This will result in a better-informed public. OEM will also continue to engage tribes in oil and chemical emergency prevention, preparedness and response activities through outreach and direct consultation. Regional programs will provide and encourage participation in emergency response exercises, technical and regulatory training, area plan development, and RRT efforts.

Useful websites:

Office of Emergency Management	http://www.epa.gov/oem
National Response Team (NRT)	http://www.nrt.org

112(r) can be found at: http://www.epa.gov/emergencies/docs/chem/clean_air_guidance.pdf

[19] EPA is requesting an increase in FY 2013 funding for the RMP/EPCRA program. If additional funding is not appropriated, the ACS inspection target will be decreased to 460.

BROWNFIELDS CLEANUP AND LAND REVITALIZATION PROGRAM

Program Overview

EPA's Brownfields and Land Revitalization program (OBLR) will continue to facilitate the cleanup, redevelopment and restoration of brownfields properties. Under the Brownfields Law (Public Law 107-118, Small Business Liability Relief and Brownfields Revitalization Act[20]), brownfields are defined (with certain exclusions) as real properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfield properties include, for example, derelict or underutilized properties, abandoned industrial properties, drug labs, mine-scarred land, abandoned gas stations and properties contaminated with petroleum or petroleum products. Through its Brownfields program, EPA will continue to provide funding and technical assistance for the assessment and cleanup of these properties, and to leverage cleanup and redevelopment opportunities, and to help preserve green space, all offering combined environmental and economic benefits to local communities.

Performance Goals for FY 2013 (with ACS measure codes):

- Number of brownfields properties assessed (target: 1,200; ACS B29).
- Number of brownfields properties cleaned up using brownfields funding (target: 120; ACS B32).
- Acres of brownfields property made ready for reuse (target: 3,000; ACS B33).
- Jobs leveraged from brownfields activities (target: 5,000; ACS B34).
- Billions of dollars of cleanup and redevelopment funds leveraged at brownfields sites (target: $1.2; ACS B37).

Note: Performance estimates and results from $100 million received to implement the ARRA are tracked separately and described later in this guidance.

Environmental Justice

OBLR will continue its efforts to ensure that brownfields funding benefits low income, underserved and minority communities through assessment, cleanup, area-wide planning, job training, and technical assistance activities. OBLR will implement changes to its grant funding guidance to facilitate this goal beginning in the FY2012 grant solicitation cycle and continuing in FY 2013. Additionally, OBLR will utilize EJ Screen, as appropriate, and as tools become available to assist with further identifying communities with brownfields and indicators of need in an effort to better direct resources and outreach to prospective brownfields grant applicants. Outreach efforts will also include increased assistance to prospective applicants from minority academic institutions, tribes, and nonprofit and community development corporations where brownfields are located.

[20] Signed in January 2002, for more information on Public Law 107-118, please see: http://www.epa.gov/brownfields/laws/index.htm

Based on changes made to the FY 2011 Assessment, Cleanup, Revolving Loan Fund, and Environmental Workforce Development and Job Training (EWDJT) Grant Guidelines and as referenced in OSWER's Community Engagement Initiative (CEI) Action 1 items[21], These changes will strengthen the community notification and engagement aspects of OBLR's grants process, will make more transparent the process for making selection and funding decisions, and will allow for a more thorough analysis of the cumulative impacts of environmental conditions, the need for equitable development and meaningful community benefit from the funded activities. OBLR will evaluate lessons learned from changes incorporated in 2011 and evaluate the effectiveness of these changes to better target environmental justice communities and improve more meaningful community involvement. OBLR will also continue to analyze how principles of equitable development (affordable housing, local hiring, etc.) can be further integrated into brownfields revitalization activities to ensure local residents benefit from brownfield cleanup and revitalization efforts.

For the FY 2013 grant application cycle, EPA will provide presentation materials for regional outreach and training meetings and webinars as they relate to specific public health concerns and considerations for safe reuse for environmental justice communities, children and other sensitive populations. OBLR also will utilize its existing grants and cooperative agreement components to contribute to initiatives that support the agency's cross-cutting fundamental strategies.

Brownfields Assessment, Cleanup, Revolving Loan Fund, Area-Wide Planning, and Environmental Workforce Development and Job Training Cooperative Agreements

OBLR will continue to provide Assessment, Revolving Loan Fund (RLF), Cleanup, Area-Wide Planning and EWDJT cooperative agreements to communities. Brownfields Assessment cooperative agreements provide funding to inventory, characterize, assess, and conduct planning and community involvement activities related to brownfields properties. Brownfields RLF cooperative agreements provide funding for a cooperative agreement recipient to capitalize a revolving loan and for a recipient to make low or no interest loans and/or subgrants to carry out cleanup activities at brownfields properties. Brownfields Cleanup cooperative agreements will fund cleanup activities at brownfield properties owned by grant recipients. Brownfields Area-Wide Planning cooperative agreements provide funding to communities to develop area-wide plans for brownfields, and identify next steps and resources needed to implement the plan. EPA also will provide funding to create local environmental workforce development training programs to enhance the economic benefits, derived from brownfield revitalization efforts, to the community.

In 2011, OBLR led an effort to collaborate more closely with other OSWER offices on environmental workforce development and job training We coordinated with the Office of Resource Conservation and Recovery (ORCR), Office of Superfund Remediation and

[21] CEI Action 1: Proposed Brownfields Process Improvements can be found at http://www.epa.gov/oswer/engagementinitiative/oblr.pdf

Technology Innovation (OSRTI), Office of Underground Storage Tanks (OUST), Federal Facilities Restoration and Reuse (FFRRO), Center for Program Analysis (CPA), Innovation, Partnerships, and Communication Office (IPCO), and the Office of Emergency Management (OEM) to develop a job training cooperative agreement opportunity that includes expanded training in other OSWER programs outside the traditional scope of just brownfields. As a result of these discussions, the EWDJT Grants Program, formerly known as the "Brownfields Job Training Grants Program," now allows applicants to deliver additional hazardous and solid waste training. During FY 2012, OBLR as One EPA has further collaborated with the Office of Water (OW) and the Office of Chemical Safety and Pollution Prevention (OCSPP). Through these partnerships, in FY 2013 applicants will be able to deliver training in waste water management and enhanced chemical safety related activities.

EWDJT cooperative agreements provide funding to governmental entities and nonprofit organizations to recruit, train, and place local unemployed and under-employed, predominantly low-income and minority residents with the skills needed to acquire full-time, sustainable careers in the environmental field and solid and hazardous waste remediation. These resources help residents take advantage of the jobs created by the assessment, cleanup, and redevelopment of solid and hazardous waste sites in their communities. Graduates of the program typically earn certifications and training in HAZWOPER, lead and asbestos abatement, mold remediation, innovative and alternative treatment technologies, demolition and debris recycling, leaking underground storage tank remediation and prevention, confined space entry, first aid, CPR, soil and groundwater sampling, and other environmental health and safety training. Through the expanded EWDJT program, graduates will develop wider skill sets that will improve their ability to secure full-time, sustainable employment in various aspects of hazardous and solid waste management and within the larger environmental field. This effort also gives communities more flexibility to provide differing types of environmental training based on local labor market assessments and employers' hiring needs.

EPA will publish proposal guidelines, solicit proposals, conduct a national competition, announce, and award Assessment, RLF, Cleanup, Multi-Purpose Pilot and EWDJT cooperative agreements. Evaluation panels consisting of EPA regional and headquarters staff and other federal agency representatives will assess how well the proposals meet the selection criteria outlined in the statute and the proposal guidelines. Final selections will be made by the OSWER Assistant Administrator, the Selection Official, after considering the ranking of proposals by the evaluation panels and other special considerations, as applicable. The statute requires that funds be directed to the highest ranking proposals.

- Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, Cleanup and Environmental Workforce Development and Job Training cooperative agreements are available at: http://www.epa.gov/brownfields/applicat.htm.

Following award, EPA will assist recipients in achieving specific objectives as agreed upon in the project work plan. EPA will conduct post award monitoring activities, as appropriate, to ensure the successful implementation of projects. Cooperative agreement

terms and conditions require recipients to report on interim progress (e.g., assessment started, cleanup started) and any final accomplishments (e.g., assessment completed, cleanup required, contaminants, Institution Controls, Engineering Controls, number of participants completing training and placed in full-time employment) by completing and submitting relevant portions of the Property Profile Form and Job Training Reporting Form using the Brownfields program on-line reporting system, known as Assessment, Cleanup and Redevelopment Exchange System (ACRES).

- The Property Profile Form and the Job Training Reporting Form are available at: http://www.epa.gov/brownfields/pubs/index.html.

The Brownfields Area-Wide Planning (BF AWP) program[22] is designed to provide support to communities by helping recipients 1) develop an area-wide plan for brownfields within their identified community, and 2) determine next steps and identify resources needed to implement the plan. To facilitate these outcomes, the program:

- provides assistance to recipients for research and planning activities within a targeted area– such as a neighborhood or local commercial corridor affected by a single large, or multiple, brownfield site(s); and
- aims to connect cleanup and redevelopment of individual brownfields to their neighborhood and city-wide contexts.

Recipients develop an area-wide plan for brownfields by:

- facilitating community involvement activities, to identify community priorities and ways to meet those priorities through area brownfields revitalization, and
- conducting research into the existing conditions of the targeted brownfields area (such as brownfields market analysis, infrastructure studies, known environmental conditions of the properties, community health issues and environmental justice concerns, etc).

OBLR is transitioning the BF AWP program out of the pilot phase. In FY 2010, OSWER began implementing its Brownfields Area-wide Planning Pilot priority goal by initiating 23 brownfields area-wide planning pilot projects. The 23 pilot projects are expected to close in FY 2013.

An additional round of BF AWP program grant funding will be awarded to approximately 20 BF AWP projects in FY 2012. In FY 2013, OBLR will support pilot completion and close-out of the 23 pilot projects and ongoing grant/project support for the approximately 20 BF AWP grants to be awarded in FY 2012. A grant competition for BF AWP is not expected in FY 2013.

The Brownfields program expects that project synergies will exist between BF AWP projects and existing brownfield resources for assessment and cleanup already present in

[22] For more information about the Brownfields Area-Wide Planning Pilot program, please see http://www.epa.gov/brownfields/areawide_grants.htm

several of the recipient communities. EPA regional Brownfields programs are in the best position to evaluate those opportunities and engage with the appropriate local partners, such as the state, tribe, local government or community-based organizations, to identify local needs and leverage the investments being made in these communities. The BF AWP projects awarded in FY 2012 will be managed at the regional level to facilitate project communication and cross-program coordination, with overall program support and project-specific support as needed from OBLR.

In coordination with the BF AWP program efforts to advance intra- and inter-agency project community and coordination, the EPA region should take a leading role in convening other regional EPA program staff (such as water, air, sustainable communities, environmental justice and enforcement staff, other OSWER cleanup programs, as appropriate) and regional staff from other agencies (such as HUD, DOT, EDA, USDA, and ATSDR, as appropriate), in addition to the states, tribes, local governments and community-based organizations, to identify possible barriers, solutions and resources for implementing the BF AWP projects. In addition, where there are BF AWP projects that are part of the HUD-DOT-EPA Partnership for Sustainable Communities (PSC) and the PSC networks that have been created within the regions and headquarters, we expect that these tools should be fully utilized.

The resulting area-wide plan from the BF AWP recipients will facilitate the assessment, cleanup and reuse of individual brownfields properties, identify additional area-wide investments and improvements necessary to revitalize the community, and include strategies for area-wide plan implementation.

Brownfields State and Tribal Response Programs Cooperative Agreements

EPA will continue to work in partnership with state and tribal programs to address brownfield properties under the Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Section 128(a) authorizes a noncompetitive $50 million dollar grant assistance program to establish and enhance state and tribal response programs. State and tribal response programs oversee assessment and cleanup activities at the majority of brownfields properties across the country.

The depth and breadth of state and tribal response programs vary. Many programs also offer accompanying financial incentive programs to spur cleanup and redevelopment. The primary goal of this funding is to ensure that the state and tribal response programs build the sufficient organizational capacity to establish and build a response program. This includes taking reasonable steps to include, four specific elements and a public record. The four elements of a response program are: 1) timely survey and inventory of brownfields sites in state or tribal land; 2) oversight and enforcement authorities or other mechanisms and resources; 3) mechanisms and resources to provide meaningful opportunities for public participation; and 4) mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete.

The secondary goal of this program is to provide funding for other activities that increase

the number of response actions conducted or overseen by a state or tribal response program. The funding may give recipients the ability to establish, enhance, or increase the number of properties addressed by a response program. Recipients may use the funding to start a new response program and public record requirement. States and tribes also may use funding to increase the number of properties at which response actions are conducted, or perform activities that add or improve a response program. In addition, though not the primary focus, the funds can be used to oversee cleanups, to conduct property-specific activities (e.g., assessments, cleanups), purchase environmental insurance, or develop other insurance mechanisms to provide financing for cleanup activities. EPA will publish an annual guidance regarding the criteria for state and tribal response program funding.

- Grant Funding Guidance for State and Tribal Response programs (CERCLA) Section 128(a) is available at: http://www.epa.gov/swerosps/bf/state_tribal/fund_guide.htm.

Following award, EPA will assist recipients in achieving specific objectives as agreed upon in the project work plan. EPA will conduct post-award monitoring activities to ensure the successful implementation of projects.

All property-specific activities (e.g., assessments, cleanups) performed by state and tribal response programs under their cooperative agreements contribute to the Brownfields program overall accomplishments. Since conducting property-specific activities is not the main goal of the 128(a) state and tribal response program, regions should not set state or tribal targets. States and tribes are required to report property-specific accomplishments conducted with Section 128(a) funds by completing and submitting relevant portions of the Property Profile Form using ACRES.

- The Property Profile Form is available at: http://www.epa.gov/brownfields/pubs/index.html.

Targeted Brownfield Assessment Program

EPA will continue to make the Targeted Brownfield Assessment (TBA) program more transparent, and will work with the regions to identify specific criteria when prioritizing TBA funding. Criteria will include information on site eligibility, applicant eligibility, and the application process and procedures. The program will also work with the regions to develop a mechanism for evaluating and prioritizing requests. EPA regions will work to take economic distress and environmental justice concerns into account when providing funding to projects. A strong focus will also be on choosing projects with a viable plan for cleanup and redevelopment. Additional factors which may be considered include whether or not there is a strong municipal commitment and clear municipal support; strong community support for the project; a clear need for revitalization in the area, with significant deterioration or environmental justice issues; whether the TBA would address direct threats to human health or the environment; whether revitalization would serve as a catalyst for additional activities in the area; whether other funds are

available to perform the work; if adequate leveraged funds are available for cleanup and redevelopment; and whether the property has strong development potential. EPA also will work to identify ways to enhance community engagement in the overall TBA process. The program will focus on ways to improve and coordinate community engagement while still maintaining the speed with which TBAs are normally carried out.

Program Priorities and Initiatives

Integrated Cleanup Initiative: Through the Integrated Cleanup Initiative (ICI), EPA will bring to bear the relevant tools available in each of the cleanup programs (Remedial, Removal, Federal Facilities and Brownfields) and will better leverage the resources available to address needs at individual sites. One example of leveraging is the use of Superfund Removal resources to assist brownfields cleanup and redevelopment. Specifically, this connection will allow the agency to utilize the removal program, when appropriate and in accordance with the applicable statutory criteria, as a resource to assist communities with some or all of the cleanup activities at brownfields properties where cleanup monies are not otherwise available. This connection will be particularly productive when the Removal program is activated in conjunction with a TBA and in those instances will allow the agency to target both assessment and cleanup resources to help a state, tribe or community assess, clean and redevelop a contaminated property where other resources are not available. The Brownfields program will utilize its resources to help bring completed removal action properties into productive reuse. These resources can include further environmental characterization, technical assistance with necessary institutional controls, community engagement and end use planning.

The ICI workgroup convened to research and document examples of regional best practices for making decisions that can benefit from both Brownfields and Removal programs. The workgroup discovered that the majority of regions have identified best management practices and provided concrete examples where individual contaminated sites benefited from both the Brownfields and Removal programs. Through the workgroup's research, the main theme discovered for successful coordination was to have a representative(s) from each program meet regularly to discuss sites and potential issues and innovate ways to use available EPA cleanup funding to move these properties back into reuse. The workgroup developed and distributed a best practices document highlighting successful examples in FY 2011. In FY 2013, the workgroup will continue coordination, collecting success stories and solving issues as they arise.

OBLR will continue its efforts to evaluate the impacts of brownfields assessment and cleanup grants, to assist in guiding the program's decisions about the most effective and impactful allocation of resources among the different grant types utilized under in the program.

Additionally, through the ICI, OBLR will continue its efforts to improve the timing and delivery of Brownfields cooperative agreement resources to successful applicants. The Brownfields program in collaboration with the Office of Grants and Debarment conducted a comprehensive review of the Brownfields competition and grant award

process and developed a report with nine actions to streamline the competition/award process. In FY 2012/2013, the program will continue implementing the streamlining recommendations and evaluate their effectiveness in improving the timeliness of the Brownfields grant awards. Regional program staff will work with OBLR and with Regional Grants Management Officials to implement these recommendations and to evaluate their effectiveness.

Community Engagement Initiative for the Brownfields Program: OSWER's CEI Action 1 items[23]include extensive and significant improvements to the Brownfields grant solicitation, selection and award processes to ensure that the program is reaching the communities in a meaningful way; to ensure that the selection and funding decisions of the program are transparent and guided by the programmatic goal of serving communities impacted by cumulative environmental conditions and that are economically distressed and underserved.

Federal Partners: EPA is committed to working and developing partnerships internally and externally to help communities address contaminated properties and create sustainable communities. EPA will continue efforts to highlight examples of how brownfields resources can support community driven efforts to create and expand urban parks and greenspaces that improve and restore ecological systems while creating healthier human scale environments in urban and rural areas. Cleanup of historic properties or urban brownfields will support and compliment other Federal Government initiatives. America's Great Outdoors (AGO) activities are underway with the leadership of the US Department of Interior (DOI) and the US Department of Agriculture (USDA). EPA will continue to use Interagency Agreements under its MOU with the U.S. Park Service to fund and expand the network of Groundwork Trusts, which support community led greenspace and park creation projects, youth programs to engage the next generation of environmental stewards from brownfields communities, and holistic community revitalization.

U.S. EPA – U.S. DOT – U.S. HUD Sustainable Communities Partnership: In June 2009, the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and EPA joined together to form the Partnership for Sustainable Communities, an unprecedented agreement to coordinate federal housing, transportation and environmental investments, protect public health and the environment, promote equitable development, and help address the challenges of climate change. The agencies are working together to identify opportunities to build more sustainable communities and to remove policy or other barriers that have kept Americans from doing so. The Brownfields and Land Revitalization program is a key member of this partnership, committing to continue working with HUD and DOT to further coordinate investments and leverage resources in areas where there is a convergence of brownfield redevelopment, transit oriented development, and affordable housing. Regions will be called upon to coordinate with OBLR and seek opportunities within their regions to work with partnership agencies.

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[23] CEI Action 1: Proposed Brownfields Process Improvements can be found at: http://www.epa.gov/oswer/engagementinitiative/oblr.pdf

This partnership will maximize the impact of millions of dollars in federal resources on transit, housing and brownfields. It will ensure equitable redevelopment of brownfields near transit is supported. Lessons learned from partnership activities are being incorporated into BF AWP and assessment grant programs.

OBLR will partner with other EPA offices and other federal agencies to highlight opportunities for incorporating urban gardening practices into community revitalization plans.

NIEHS-DOL-EPA Environmental Workforce Development and Job Training (EWDJT)*:* EPA will continue to work with the NIEHS Worker Education and Training Program and DOL Employment and Training Administration (ETA) to coordinate environmental workforce development and job training activities. This coordination will include identifying potential areas of duplication either through offered training or communities being served. EPA will also continue to solicit participation by NIEHS and DOL in the review of EPA EWDJT grant proposals, participation in the National Brownfields Conference, and participation at the annual EWDJT All Grantees Meeting.

ARRA and Brownfields

Under the ARRA, EPA received $100 million in supplemental appropriation for the Brownfields program. The funding went toward awarding brownfields assessment, cleanup, new and supplemental RLF and job training cooperative agreements through a competitive process, as well as, providing technical assistance and targeted brownfields assessments to brownfields communities via regional contracts and Interagency Agreements (IA). During FY 2013, any remaining open awards outside of their period of performance should be aggressively pushed toward completion and closeout. Some awards will still be within the remaining period of performance and should maintain the expected high level of performance and reporting; while keeping in mind that any opportunity for early closeout should be taken.

- The Property Profile Form and the Job Training Form are available at: http://www.epa.gov/brownfields/pubs/index.html.

Air and Water Quality Impacts and Sustainable Redevelopment

EPA research of the air and water quality impacts of brownfields redevelopment shows that brownfield/infill development results in significant environmental benefits, when compared to developing on greenfields. A national scale study of the environmental impacts of brownfield/infill development was undertaken in FY 2011 and FY 2012. The local or regional fiscal implications of these findings can inform community planning investments, ensuring the financial sustainability of redevelopment projects in a larger context. By working to provide community development finance tools and model governance structures that support successful implementation, the Brownfields and Land

Revitalization program will support more sustainable redevelopment that protects human health and the environment.

RESOURCE CONSERVATION AND RECOVERY PROGRAMS

Program Overview

The foundational purpose of the Resource Conservation and Recovery Act (RCRA) is to reduce the total quantity of materials that ultimately become wastes, effectively practicing conservation during the useful life of materials and natural resources. To achieve this conservation, EPA advances Sustainable Materials Management (SMM) practices to create a life-cycle based approach for the management of used materials. Under RCRA, EPA has been working successfully in partnership with state and local governments, as well as American business and non-governmental organizations to drive significant change in waste and materials management practices. The intent of this change is to provide incentives for companies to reuse materials; design better waste management systems that prevent contamination from adversely impacting our communities; have facilities rather than taxpayers bear the costs of cleaning up contamination they cause; and consider used materials that would otherwise be considered wastes as potential commodities that can be incorporated into development of new products, allowing us to conserve valuable natural resources.

RCRA is a vital component of our nation's legislative framework for public health and environmental protection and is critical to the comprehensive and protective management of solid and hazardous materials. The comprehensive, national regulations define solid and hazardous waste, and impose strict standards on anyone who generates, recycles, transports, treats, stores, or disposes of waste. This regulatory framework prevents exposures to contaminants from wastes and also enables other environmental programs, such as the Clean Air Act (CAA) and the Clean Water Act (CWA), to function effectively and achieve real human health and environmental results. Improvements in air pollution control devices and wastewater treatment systems have removed contaminants from our air and water, generating greater amounts of solid waste. These wastes are then managed under RCRA to ensure that the benefits of these improvements are realized. RCRA also includes a corrective action program which is responsible for overseeing and managing cleanups which protect human health and the environment. Further, EPA provides Hazardous Waste Financial Assistance Grants that provide resources for authorized states to implement a comprehensive hazardous waste management program.

Sustainable Materials Management

OSWER supports an approach that reflects the need to look at our environmental challenges with a whole-systems approach, leverage cross-program efforts and tools, and collaborate within EPA and with external partners and stakeholders. Thus, it reflects an emphasis on sustainability in meeting today's complex challenges for protecting human health and the environment as "One EPA." As One EPA, OSWER is collaborating with other EPA offices, including the Office of Chemical Safety and Pollution Prevention (OCSPP), the Office of Research and Development (ORD) and the Office of Policy (OP).

The following sustainability efforts will systematically integrate and promote the prevention of pollution, and act as a focal point for collaboration between EPA programs and offices in the alignment of priorities and measures of success. Specifically, each office will incorporate sustainable approaches in their work. These approaches are defined as:

- Sustainable Materials Management (SMM), which is an approach to reduce negative environmental and societal impacts across the life cycle of materials from resource extraction, manufacturing, use, reuse, recycling and disposal. Efficiencies gained in SMM approaches can result in less energy used, more efficient use of materials, more efficient movement of goods and services, conservation of water and reduced volume and toxicity of waste.
- Pollution Prevention (P2), which encourages source reduction, advances the development of safer, "greener" materials and products, and promotes the implementation of improved practices such as the sustainable use of materials. Environmental and economic benefits obtained through pollution prevention include reduced use of hazardous and non-hazardous materials, water and energy, reduced emissions of greenhouse gasses and reduced costs of operations for businesses, governments and other institutions, contributing to economic sustainability through increased profit, employment and community vitality. One key element of EPA's pollution prevention strategy is advancing green chemistry which provides a framework for sustainability by designing chemicals and chemical processes that reduce or eliminate hazards at the molecular level.

OCSPP and OSWER will pursue alignment in work that utilizes and integrates sustainability efforts consisting of SMM and P2, and will adopt ACS commitments that will capture the progress achieved in those areas. In particular, opportunities presently exist to integrate these pollution prevention approaches into sector-based initiatives such as manufacturing, health care, hospitality, sporting and other venues, groceries, and colleges and universities and other sectors considered to be a priority. Examples of cross-NPM collaboration already occurring that could be expanded through this effort and serve as models for additional initiatives include OCSPP's work with OSWER to extend the useful life of solvents through revisions to the RCRA Definition of Solid Waste (DSW) rule, reducing exposure from recycling processes; OSWER's and OCSPP's collaboration on programs and standards across the lifecycle of electronics products; and the Agency-wide effort to promote sustainable practices in the design and operation of sports venues.

The RCRA program will promote the sustainable use of materials in the development of goods and services, in order to advance the efficient use of resources, reduce the need for waste disposal capacity, minimize the environmental impacts of obtaining new mineral resources, and support our competitive advantage in a global market through nationally focused, results-oriented approaches. In FY 2012, the EPA transitioned to SMM from the many discontinued partnership programs of the Resource Conservation Challenge (RCC). Under SMM, EPA has developed and implemented strategically targeted programs with national impact. For FY 2013, the priority areas for SMM are: showing results in the SMM Challenges, measurement, and beneficial use of industrial materials in manner that is protective of human health and the environment.

To establish a foundation for these priority areas, EPA regions and ORCR will maintain a predominant national focus on Sustainable Food Management, Federal Green Challenge, and Certified Electronics Recycling Challenges. Based on the results of these areas of focus, ORCR in consultations with the regions will determine next steps to expand SMM activities to other areas. In FY 2013, OSWER will continue to lead implementation of certain commitments of the National Strategy for Electronics Stewardship that was developed as part of the Interagency Task Force on Electronics Stewardship, including revising export notification requirements for cathode ray tubes (CRTs) and evaluating accreditation standards for certifying recyclers.

The Office of Resource Conservation and Recovery (ORCR) will continue to move forward in improving its measurement of materials in relation to generation, reduction, reuse and recycling across the waste stream. ORCR and the regions are implementing a Government Performance and Results Act (GPRA) goal to increase the tons of materials and products offsetting use of virgin resources through sustainable materials management annually from 8.5 million tons at the end of FY 2011 to 8.7 million tons by the end of FY 2013. This goal was designed to reflect EPA's direct influence through the SMM Challenges and contributions to the nation's goal of increasing sustainable materials management.
For FY 2013, ORCR is requesting that all regions identify ACS commitments in the area of the SMM Challenges that contribute toward increasing the tons of materials and products offsetting the use of virgin resources. Regional commitments toward achieving the annual national target for the SMM measure will be tracked in the Annual Commitments System (ACS) as the "Number of participants recruited for Sustainable Materials Management Challenges."

ORCR will continue its work on evaluating the environmental acceptability of the beneficial use of industrial materials. Following an accepted methodology, EPA will first assess encapsulated uses of coal combustion residuals (CCRs) beginning in FY 2012 and then move to unencapsulated uses in FY 2013.

Initial or Updated Approved Controls

In FY 2013, the permitting program has a goal to collectively achieve 100 additional hazardous waste facilities under initial or updated approved controls (see ACS measure code HW0). Since all but two states are authorized to issue permits, and because states receive grant funds to implement the RCRA hazardous waste program, regions must work with states to:

- Update and implement multi-year strategies to meet the FY 2013 annual goal and the FY 2015 strategic goal.
- Update assessments of what is needed for each facility to achieve approved controls and update when each facility is projected to achieve approved controls.
- Ensure that the programs are making progress on cleaning up permit renewals data in RCRAInfo and decreasing the backlog of renewals.

Regions should work with the states toward achieving the FY 2015 national strategic target of preventing releases at 500 RCRA hazardous waste management facilities by implementing initial approved controls or updated approved controls. This includes removing facilities from interim status by issuing an initial RCRA permit, and updating controls at additional facilities, for a total of 500 facilities between FY 2011 and FY 2015.

Tribal Programs

EPA has significant responsibilities related to the safe management of solid and hazardous waste in Indian country. Regions will be expected to achieve the following targets during FY 2013, which will be entered into the ACS:

- Assist tribal governments to ensure that an additional 3 tribes are covered by an integrated waste management plan approved by an appropriate governing body (ACS measure code TR1);
- Assist tribal governments to ensure that an additional 57 open dumps in Indian country and on other tribal lands are closed, cleaned up, or upgraded (ACS measure code TR2).

IWMPs identify existing solid waste systems, assess needs, and set forth ways to design, implement, and monitor more effective and sustainable solid waste management programs. ORCR has outreach materials on the EPA website. In FY 2013, ORCR is continuing to develop an IWMP "tool kit" of four fact sheets to provide a descriptive framework for collecting background data, writing and implementing an IWMP and a tri-fold brochure on successful tribal waste management programs. These resources are available on the EPA Tribal Portal:
http://www.epa.gov/epawaste/wyl/tribal/pdftxt/tribaliwmp.pdf

As an additional support to tribes, ORCR regularly produces the *Tribal Waste Journal.* Issue 7, published in September 2009, includes resources and information, including interviews with tribal environmental program managers, on IWMPs: http://www.epa.gov/epawaste/wyl/tribal/pdftxt/twj-7.pdf

While EPA cannot require tribes to develop IWMPs or to include any criteria within IWMPs, ORCR developed five elements that should generally be included in tribal integrated waste management plans and published these elements in Issue 7 of the *Tribal Waste Journal*. Regions consider these elements when evaluating which IWMPs the agency includes in the ACS as an accomplishment for this performance measure.

The Indian Health Service (IHS), in collaboration with EPA, customized the IHS Operation and Maintenance Data System (OMDS) database, a subset of the web Sanitation Tracking and Reporting System (w/STARS). The w/STARS database is the official repository for EPA data on open dumps in Indian country. Regions should continue in FY 2013 to conduct site assessments, perform data updates and clean up, and work with IHS to enter data into w/STARS.

Environmental Justice

EPA has made great progress in implementing environmental justice (EJ) into its programs and policies. While the agency is a government leader in this area, we recognize opportunities for improvement. EPA has been working to develop and implement Plan EJ 2014, a four-year plan to provide a roadmap to help integrate EJ into its programs.

Under Plan EJ 2014, EPA developed an implementation plan relating to "Considering Environmental Justice and Permitting." ORCR will continue supporting the initiative in its overarching goals to enable overburdened communities to have full and meaningful access to the permitting process and to develop permits that address environmental justice issues to the greatest extent practicable.

EPA will continue to integrate EJ in its rules and guidance as noted in a memo from the OSWER AA (dated February 3, 2011) re-emphasizing the importance of considering all stakeholder input early in the process and anticipating the environmental concerns of the actions OSWER is developing. This memo gives direction and provides information that will help OSWER staff further environmental justice in our rules and guidance.

ORCR embraces the Administrator's environmental justice priority and is committed to promoting healthy and environmentally sound conditions for all people through its RCRA waste management programs.

Supporting Community-Based Action Programs

ORCR engages with stakeholders and the public in a multi-faceted approach to consider community needs in the decision-making process. The following are just a few examples

of this engagement:

- The public continues to have access to RCRA regulatory and non-regulatory documents and data, particularly in high risk communities (e.g., through multimedia data integration projects, other studies, and communication/outreach activities);

- EPA solicits and considers public participation (e.g., through periodic listening sessions, outreach efforts, etc.), as appropriate, during all phases of the RCRA permitting, corrective action, and PCB decision-making processes;

- EPA places continued emphasis on collaborative problem solving with other federal, state, tribal, and/or local agencies to address EJ concerns; in EJ training efforts; and in national, state, tribal, or local dialogue around the issue of EJ (e.g., National Environmental Justice Advisory Council [NEJAC], Community Involvement Conference, Brownfields Conference, Regional Listening Sessions, public meetings, etc.);

Strengthen Internal EPA Mechanisms to Integrate Environmental Justice

Under Plan EJ 2014, EPA committed to develop a nationally consistent screening and targeting tool to enhance EJ analysis and decision-making. In the past, regions have used various screening tools such as EJ SEAT, EJ LandView, and census track data to identify overburdened and underserved communities. In moving forward, OSWER will utilize EJSCREEN as the single screening tool to screen for the presence of EJ communities impacted by RCRA Corrective Actions.

Community Engagement Initiative

Through the Community Engagement Initiative (CEI), ORCR provides program descriptions for OSWER's CEI website.[24] ORCR also collaborates with EPA regions, tribes and states through the Initiative to suggest improvements to its programs. OSWER will seek input from outside stakeholders on the programmatic improvements. Under Action 4 of the CEI action plan, ORCR conducted a multi-stakeholder dialogue to solicit input on its Definition of Solid Waste rulemaking and will present lessons learned from the engagement efforts it has utilized in its rulemaking activities.

Under the Community Engagement Initiative Implementation Plan, ORCR will continue its efforts begun in 2011 to identify and integrate effective community engagement practices for facilities located in or near communities, and assess how community engagement can be tailored to size and impacts on facilities. ORCR expects to release its compendium of effective practices document in early 2012. EPA will update this living document with additional examples of community engagement practices as they come to our attention. In FY 2012, ORCR will work with EPA regions and states to discuss how the effective practices can be integrated into the RCRA program.

[24] OSWER's CEI website can be found at: http://www.epa.gov/oswer/engagementinitiative/

Electronic Manifest System

In FY 2013, if funding is provided, EPA will begin the development of an electronic manifest system to replace the required paper hazardous waste manifest, the primary tracking document in our "cradle to grave" hazardous waste regulatory system. EPA will work with stakeholders, including states, regions, and industry, as we begin to develop the system. Moreover, EPA will work with Congress to obtain authority to collect and retain user fees so that development costs will be recouped and operation and maintenance of the system will be paid for by user fees. When completed, an electronic manifest system will have substantial benefits for the program, including increased access to data for communities (as well as for states and EPA), and is estimated to save the private sector much more.

Use of the Exchange Network for Reporting RCRA Subtitle C Data

In a July 2009 memorandum, EPA Administrator Jackson made enhanced use of the National Environmental Information Exchange Network a part of her strategic vision for the agency. She wrote in response to a unanimous request from the Environmental Council of the States emerging from their spring 2009 meeting that she intends "the agency to work with the states to set an aggressive timetable for completing the transition to the Exchange Network (EN) for regulatory and national system reporting..." She directed the NPMs to work to achieve the vision of the Network as "the preferred way EPA, states, tribes, and others share and exchange data." She added "I look forward to reviewing our progress toward achieving this goal...." In response to this direction from the Administrator, OSWER places a high priority on increasing the use of the EN for the transmission of RCRA Hazardous Waste data from states to EPA and from EPA to the states to support RCRAInfo. (Please see the sections on Initial or Updated Approved Controls, and Cleaning Up Communities through RCRA Corrective Action for further direction on specific RCRAInfo activities.)

<u>OSWER Actions:</u>

In FY 2013, OSWER will take the following actions to continue to improve the utilization of the Exchange Network for the exchange of RCRA Subtitle C Data:

- Continue development of outbound web services that will allow for partners to retrieve data from RCRAInfo in a more automated fashion;

- Conduct training and provide support to states that are integrating with the Exchange Network; and,

- Continue to work with the states to establish reasonable targets for those that are integrating the Exchange Network into their business processes.

Regional Actions:

Regions should work with states to:

- Establish reasonable timelines for those that are integrating with the Exchange Network; and,

- Establish strategies for accomplishing this transition.

More broadly, the Environmental Information Exchange Network has provided the foundation for EPA, states and tribes to now move aggressively to convert from old fashioned paper reporting to electronic reporting. To reduce burden, improve compliance, expand the information available to the public about pollution that affects them, and improve the ability of EPA, states and tribes to implement environmental programs, the agency has commenced a comprehensive initiative to convert to electronic reporting. EPA is focusing this initiative in two main areas: (1) developing an agency wide policy to ensure that new regulations include electronic reporting in the most efficient way; and (2) developing and then implementing an agency plan to convert the most important existing paper reporting to electronic, while also looking for opportunities to reduce or streamline outdated paper reporting. Since this work is cross-cutting, EPA has established an agency Electronic Reporting Task Force to lead and manage this work.

The agency is interested in learning from the states and tribes about their successes and challenges in converting from paper reporting to electronic. And, the agency will keep states and tribes informed about its progress in this initiative. If a state or tribe would like to share information with the Electronic Reporting Task Force, please contact David Nicholas (nicholas.david@epa.gov) in OSWER for more information.

Cleaning Up Communities through RCRA Corrective Action

The 2020 Corrective Action Universe lists 3,747 hazardous waste management facilities identified for cleanup under the RCRA Corrective Action program. This list, which can be found online at http://www.epa.gov/epawaste/hazard/correctiveaction/facility/index.htm#2020, will serve as the "RCRA Cleanup Baseline" for FY 2013. This universe of sites is a subset of the approximately 6,000 potential sites with corrective action obligations. With regard to sites beyond the 2020 Corrective Action Baseline universe, EPA is undertaking an analysis of these sites to determine if they should be included in our program workload in future years. EPA's FY 2011 - 2015 Strategic Plan commits the program to reaching specific percentages for three key measures at these sites by FY 2015:

- Control all identified unacceptable human exposures from site contamination to health-based levels for current land and/or groundwater use conditions (Human Exposures EI)

- Control the migration of contaminated groundwater (Groundwater EI)
- Complete construction of final remedies (Remedy Construction)

EPA's aspirational goal is to achieve 95 percent completion for all three goals by the end of FY 2020. To assist with achieving these goals, the National Enforcement Strategy for Corrective Action (NESCA) was developed to provide a framework for strategically using enforcement where needed. In FY 2013, EPA will make any necessary adjustments to our targets and/or resources in response to the results of our FY 2012 analysis of the corrective action program workload. This analysis is in response to a recommendation by GAO in its report.[25] This analysis will focus on the resources needed to reach our long term goals for completing cleanups at corrective action facilities.

Performance Goals for FY 2013 (with ACS measure codes):

- Human Exposures EI – 85 percent (152 facilities; ACS CA1)
- Groundwater EI – 73 percent (137 facilities; ACS CA2)
- Remedy Construction – 51 percent (168 facilities; ACS CA5)

Existing progress at facilities on the "RCRA Cleanup Baseline" varies across regions and states. As a result, to meet our national goals, we will tailor regional performance estimates for FY 2013 based upon each region's profile of facilities. Regional targets that together add up to the national percentage goals will be set via the ACS in the last two quarters of FY 2012.

Further Information

All regions should work with states to achieve the FY 2013 targets. Planning accomplishments for the year, as well as frequent discussions of progress with state partners, will be essential to meeting program goals. Beyond planned accomplishments for FY 2013, regions should begin to lay the groundwork for future accomplishments In response to significant progress made through FY 2011, EPA revised its annual performance targets for FY 2012 and estimated new strategic planning goals for FY 2013 – 2017. In FY 2012 EPA will be working, in consultation with states, to assess the remaining workload and resources to meet these goals, and any new findings or strategies would be implemented to move the region's most difficult sites toward final remedies in FY 2013 and beyond.

OECA encourages the regions to use enforcement authorities and tools where appropriate to address the aforementioned program goals. In addition, the Superfund and RCRA Corrective Action enforcement program commitments for the financial assurance priority are included in OECA's portion of the ACS. In collaboration with state partners, regions

[25] Hazardous Waste: Early Goals Have Been Met in EPA's Corrective Action program but Resource and Technical Challenges Will Constrain Future Progress (GAO-11-514), July 2011. The report can be found at http://www.gao.gov/new.items/d11514.pdf

should work to implement the National Enforcement Strategy for RCRA Corrective Action (NESCA) to help achieve the 2020 RCRA Corrective Action goals.

While the RCRA corrective action program will continue its primary focus on the 2020 goals to drive cleanup program progress, regions should also work with their states to promote making RCRA Ready for Anticipated Use (RAU) determinations to support OSWER's *Cross-Program Revitalization Measure*.[26] RAU determinations can now be recorded in RCRAInfo through the CA800 event code.

Regions are also encouraged to work with states by using approaches under the Integrated Cleanup Initiative (ICI) to accelerate cleanups and address a greater number of contaminated sites. One such ICI measure is the newly defined Remedy Construction – Remedy Deferred determination for operating facilities (CA500OF). This determination will be used to better communicate and drive interim progress at Corrective Action sites with operating manufacturing process areas, and starting in FY 2013, should be adopted and entered into RCRAInfo by the states and regions.

Non Hazardous Secondary Materials

EPA has received a large number of inquiries as an outgrowth of the March 21, 2011, rulemaking regarding non-hazardous secondary materials that are solid wastes when used as fuels or ingredients in combustion units. Regions that receive requests for regulatory interpretations or petitions under 40 CFR 241.3(c) for non-waste determinations should obtain the concurrence of the Assistant Administrator for OSWER before responding to such requests.

PCBs (Polychlorinated Biphenyls) Cleanup and Disposal

PCB disposal approvals are issued to assure safe management of PCB wastes and support PCB cleanup activities. OSWER will continue to issue disposal approvals that are designated by regulations to be issued by EPA headquarters (e.g., for mobile PCB treatment units operating in more than one region). During FY 2013, regions are expected to continue to issue approvals for PCB cleanup and disposal as required under 40 CFR Part 761. ORCR is assessing the current ACS measures PC1 and PC2 and will be working with the regions to update for FY 2013.

In FY 2013, efforts in this program area will support the EPA's Healthy Communities Initiative. We will work with our partners to promote safe handling and management of PCB-containing caulk in schools while building necessary regional technical support and outreach to effectively implement site-specific cleanup and disposal plans. We expect regions to implement guidance issued in FY 2012 to expedite the removal of PCB bulk product waste and remediation waste as an effort to reduce potential exposures in schools and commercial buildings. Additionally, we will work to clarify the approach for

[26] Please see "Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Measures" at http://www.epa.gov/epawaste/hazard/correctiveaction/resources/guidance/brfields/lr_guid.pdf

determining the regulatory status of PCB sediments, in order to remove impediments to, and reduce costs of, PCB cleanups under Superfund and other regulatory programs. . During FY 2013, EPA will assess the need to modify current program guidance as it relates to community involvement through the Community Engagement Initiative.

UNDERGROUND STORAGE TANKS PROGRAM

Program Overview

The purpose of the Underground Storage Tank (UST) program is to protect communities living and working near UST sites as well as land and groundwater resources from contamination caused by releases of regulated substances (typically petroleum-based motor fuels and their additives) from leaking USTs.[27] The program is designed to implement a dual approach for achievement of this goal: the first is to prevent and detect releases from UST systems, and the second is to clean up contamination from releases that occur from leaking USTs (sometimes referred to as "LUSTs"). Both of these program elements are part regulatory and part formula grant, and they work in concert with one another as an integrated whole. The Office of Underground Storage Tanks (OUST) was created in 1985 as the result of the Hazardous and Solid Waste Act Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA). The HSWA added Subtitle I, which directs EPA to develop a comprehensive program for the regulation of UST systems "as may be necessary to protect human health and the environment."

The UST program provides states[28] and tribes with financial and technical assistance and assists with capacity building through training and state program approval. States operate their UST and LUST programs after being granted state program approval or via Memoranda of Agreement (MOAs) with EPA. Only for the USTs in Indian country does EPA directly implement the program. Supported by grants and cooperative agreements, state agencies implement the program for the vast majority of USTs. Except for a small core of headquarters personnel, federal UST program personnel are geographically dispersed to EPA's 10 regional offices and it is regional personnel who both directly implement and enforce the program in Indian country and also provide technical, logistical, and administrative support to the state programs in their region. **

Regulatory Framework

Regulations promulgated by EPA in 1988 establish the regulatory framework for achieving the program's goal. Regulations at 40 CFR Part 280, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks", include both technical standards and financial assurance requirements for owners and operators of UST systems and are broken down into eight subparts:

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[27] Thirty-nine states identify leaking underground storage tanks as one of the top 10 sources of groundwater contamination. (EPA Office of Water 305(b) report, Figure 6-5, *http://www.epa.gov/owow/305b/2000report*)

[28] The term "states" as used in this guidance refers collectively to UST programs implemented by the individual states, territories, and the District of Columbia, see the definition of "State" in the Solid Waste Disposal Act (SWDA) of 1976 (42 U.S.CA. 6903 at *http://uscode.house.gov/search/criteria.shtml*).

** In some cases, EPA also supports states in conducting inspections and enforcement.

1. Program Scope and Interim Prohibition (Subpart A);
2. UST Systems: Design, Construction, Installation, and Notification (Subpart B);
3. General Operating Requirements (Subpart C);
4. Release Detection (Subpart D);
5. Release Reporting, Investigation, and Confirmation (Subpart E);
6. Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances (Subpart F);
7. Out-of-Service UST Systems and Closure (Subpart G); and
8. Financial Responsibility (Subpart H).

State programs that have regulations that are no less stringent than federal regulations can be approved to operate in lieu of the federal program. The procedures for approving such state programs are found at 40 CFR Part 281: "Approval of State Underground Storage Tank Programs". These regulations are broken down into six subparts:

1. Purpose, General Requirements and Scope (Subpart A);
2. Components of a Program Application (Subpart B);
3. Criteria for No Less Stringent (Subpart C);
4. Adequate Enforcement of Compliance (Subpart D);
5. Approval Procedures (Subpart E);
6. Withdrawal of Approval of State Programs (Subpart F).

Thirty-seven states, Puerto Rico, and the District of Columbia have received approval for their UST programs. The remaining 14 states and 4 territories implement UST programs under their own authorities in cooperation with EPA.

Program Funding

EPA provides funds to help states and tribes develop and implement their Underground Storage Tank programs through grants or cooperative agreements under the authorities and appropriations described below. Specific activities eligible for funding under EPA approved scopes of work are determined through discussions between the states and tribes and the EPA regional offices based on national guidance issued by OUST.

In FY 1999, through PL 105-276, Congress gave EPA authority to provide assistance agreements to federally-recognized tribes to develop and implement programs to manage USTs and to carry out leaking UST corrective action programs. In general, such assistance agreements can be used for the same purposes for tribes as they are used for states; however, EPA does not have authority under RCRA to approve tribal programs to operate in lieu of the federal program. Examples of eligible projects that can be conducted under these grants include the development and administration of an UST or leaking UST program including leak prevention, conducting an unregistered tank survey, providing leak detection and installer training, and cleaning up releases.

In 2004, through PL 107-73, Congress gave EPA authority to award cooperative

agreements to federally-recognized tribes and eligible tribal consortia to assist EPA in implementing federal environmental programs in the absence of an approved tribal program. To date, Congress has always renewed this authority in EPA's annual appropriation acts. These agreements are called Direct Implementation Tribal Cooperative Agreements (DITCAs) and they provide tribes with the flexibility and opportunity to hire and train environmental staff to effectively manage UST programs, promote compliance, and address specific tribal needs and priorities within EPA's authority for direct implementation. Tribal staff who have received EPA credentials can also assist EPA by conducting UST inspections.

UST State and Tribal Assistance Grants (STAG): Any STAG funding appropriated in FY 2013 for the UST leak prevention programs will be given as grants or cooperative agreements under the authorities of the Solid Waste Disposal Act (SWDA) of 1976, as amended by the Superfund Reauthorization Amendments of 1986 (Subtitle I), Section 2007(f), 42 U.S.C. 6916(f)(2), and Section 9011 and other applicable authorities; and such additional authority as may be provided for in EPA's annual appropriations acts. STAG funding is provided in grants and cooperative agreements to assist states and territories in the development and implementation of UST programs and for leak prevention, compliance and other activities authorized by the EPAct and EPA's annual appropriations acts. The STAG funding is provided to the states based on programmatic need. The UST State Grant program is implemented by regulations at 40 CFR 35.330. There is a 25-percent matching requirement for states under 40 CFR 35.335. State matches may include in-kind contributions.

LUST Trust Fund Cooperative Agreements for UST Release Prevention Activities: Any LUST funding appropriated in FY 2013 for the prevention program will be given as assistance agreements to states and tribes under the authorities of Section 9011 and Section 9013 and other applicable provisions of Subtitle I of the Solid Waste Disposal Act (SWDA) of 1976. EPA also provides funding to non-governmental organizations to provide training and assistance to tribes under section 8001 as amended by the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616). The assistance agreements will be for prevention and compliance assurance activities, such as inspections, as well as for enforcement activities related to release prevention. Priority will be given to providing funds to enable the states to meet their responsibilities under Title XV, Subtitle B of the EPAct. States that have entered into assistance agreements with EPA have the authority to inspect and take other compliance and related enforcement actions to prevent releases from USTs. EPA provides financial assistance to tribes to develop and implement programs to manage USTs. This financial assistance program is not eligible for inclusion in Performance Partnership Grants under 40 CFR 35.133. Assistance agreements are only available to states that have UST programs. Additionally, these assistance agreements are only available to federally-recognized tribes and Intertribal Consortia that meet the requirements, as described in the Federal Register Notice, Vol. 67, No. 213, pp. 67181-67183, "Update to EPA Policy on Certain Grants to Intertribal Consortia."

LUST prevention funding is awarded under an allocation process developed by the agency. The agency distributes funds based on the number of federally-regulated USTs

in a state and other indices of state needs. As a matter of policy, OUST has determined that states will provide a twenty-five (25) percent match for cooperative agreements awarded under Section 9011 and other applicable provisions of Subtitle I. There is no matching requirement for LUST prevention assistance agreements for tribes or Intertribal Consortia awarded pursuant to annual appropriation acts.

LUST Trust Fund Cooperative Agreements for Corrective Action Activities: Any LUST funding appropriated in FY 2013 for the LUST cleanup program will be given as cooperative agreements under the authorities of Section 9003(h)(7) of the Solid Waste Disposal Act of 1976 (SWDA), as amended, and Public Law 105-276. Under Public Law 105-276, Congress authorized EPA to use LUST Trust Fund appropriations to award cooperative agreements to tribes for the same purposes as those set forth in Section 9003(h)(7). Policies and procedures applicable to EPA-State LUST Trust Fund cooperative agreements are presented in detail in OSWER Directive 9650.10A, issued May 24, 1994, including site prioritization, allowable costs, and site eligibility. LUST corrective action funding awarded to the states under Section 9003(h)(7) of the Solid Waste Disposal Act is subject to an allocation process developed by the agency. By guidance, the agency has established a process for allocating funds to states under Section 9003(h)(7) based on the number of UST releases and other indices of state needs. This program allocates funding to tribes and Intertribal Consortia non-competitively based on their programmatic needs and national guidance. By statute, states must provide a 10 percent cost share for cooperative agreements awarded under Section 9003(h)(7). There is no matching requirement for corrective action cooperative agreements for tribes or Intertribal Consortia awarded pursuant to Public Law 105-276.

Headquarters and Regional Underground Storage Tanks Program: Funds from OUST's Environmental Program and Management (EPM) and the LUST Trust Fund national program accounts support activities, subject to funding availability, that promote the prevention, identification, corrective action, enforcement and management of releases from underground storage tank systems.

EPA's Regulatory Responsibilities for Monitoring Performance Under Assistance Agreements: As a provider of federal funds to state UST programs, EPA has a responsibility under 40 CFR Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) and Part 35 (State and Local Assistance) to monitor state performance and require performance reporting under the funding sources listed above for each of the elements of 40 CFR 280 and 281 to ensure accurate and complete information on program performance and financial management.

Regions are also responsible for negotiating the terms and amounts of the assistance agreements listed below and also for monitoring performance and requiring performance reporting under these agreements:

1) STAG Appropriation to States and Territories: Solid Waste Disposal Act (SWDA) of 1976, as amended; Superfund Reauthorization Amendments of 1986, Subtitle I, Section

2007(f) and Section 9011 and other applicable provisions of Subtitle I.

2) LUST Appropriation to States, Territories and for Tribes:

a) Corrective Action: Solid Waste Disposal Act of 1976 (SWDA), as amended, Section 9003(h), Public Law 105-276, American Recovery and Reinvestment Act of 2009.

b) Prevention: Section 9011 and other applicable provisions of Subtitle I of the SWDA as amended for States and Territories Energy Policy Act of 2005 specified in Section 9508(c) of the Internal Revenue Code; EPAct, Title XV, Ethanol And Motor Fuels, Subtitle B, Sections 1521 - 1533, Public Law 109-58, 42 U.S.C. 15801; and Section 8001(a) and (b) as amended by the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616); Public Law 105-276.

3) EPM and LUST Appropriations: Solid Waste Disposal Act of 1976, Section 8001(a) and (b) as amended by the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616); P.L. 105-276

Performance Indicators and Goals

To monitor performance of the program in meeting its twin objectives (prevention and detection of releases, and cleaning up contamination from releases that do occur) OUST has established two primary performance objectives.

Prevention and Detection of Releases

The first objective, prevention and detection of releases, has two measures: (1) significant operational compliance (SOC) and (2) number of confirmed releases.

(1) SOC. This indicator measures the number of tanks that comply with both the release prevention and release detection requirements, and that the tanks are operating and the systems are properly maintained. The implementation of EPA's traditional tools, supplemented by the new tools provided to the program through the EPAct, will over time work with state authorities to show a marked increase in the SOC rates across the country.

(2) Number of confirmed releases. A primary goal of the UST program is to reduce the number of releases that occur annually. It is critical that every release that occurs be discovered, reported as expeditiously as possible, and appropriately addressed because costs for cleanup are sharply reduced the earlier a release is discovered. Inspections can create incentives for owners and operators to properly operate and maintain their systems because well-maintained systems experience fewer leaks. With groundwater being the primary source of drinking water to nearly half of the country's population, leaks from USTs are a significant threat to human health and the environment. By decreasing the number of releases, and continuing our focus on the

cleanup of existing contamination, the underground storage tank program will make an important contribution to the nation's health.

Release Prevention and Detection Performance Goals for FY 2013:

- Increase the percentage of UST facilities that are in significant operational compliance (SOC) with both release detection and release prevention requirements by 0.5% over the previous year's target. (Target: 67%; ACS measure code ST6).
- Reduce the number of confirmed releases at UST facilities to five percent (5%) fewer than the prior year's target. (Target <7,715; ACS measure code ST1).

Cleaning Up Contamination

The second objective, cleaning up contamination from releases that do occur, has a single performance goal, which is increasing the number of cleanups that meet risk-based standards for human exposure and groundwater migration. In addition to serving as the national tanks program goal, this objective contributes to the broader OSWER priority goal of sites ready for anticipated reuse.

Of the approximately 501,000 confirmed releases reported since the beginning of the program, over 413,000 (82.5%) of these have been cleaned up, leaving a backlog of approximately 88,000 remaining to be completed.[1] Because there are thousands of new releases added to this backlog every year, reducing the backlog remains a challenge for the program.

LUST Cleanup Performance Goal for FY 2013:

- Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration. (Target: 10,100; this includes 45 cleanups in Indian country. ACS measure code 112).

Underground Storage Tank Programs in Indian Country

EPA is responsible for directly implementing the UST program in Indian country and consults with tribal governments in accordance with the Tribal Consultation Policy. The agency assists tribes in developing their capacity to administer UST programs and works to ensure that UST facilities in Indian country operate in compliance with regulations in order to prevent future leaks and to clean up existing leaks. Federal funding is provided to support prevention and remediation activities such as training for tribal environmental staff, education for owners and operators in Indian country about UST requirements, site assessments, cleaning up releases, and Indian country UST data collection and improvement efforts.

EPA's forward-looking strategy for the implementation of the UST program in Indian country was developed with the close collaboration of tribes and lays out priorities and objectives for the agency to improve the UST tribal program. In particular, the strategy identifies steps that EPA

[1] For the most current corrective action measures, see *http://www.epa.gov/swerust1/cat/camarchv.htm*

and tribes are taking to further the cleanup and compliance of USTs. EPA continues to work with tribes toward meeting the objectives of the strategy which include strengthening relationships, communication, and collaboration; improving information sharing; implementing the provisions of the EPAct; and implementing UST prevention and LUST cleanup activities.

EPA continues to work with its tribal partners to meet or exceed established goals to improve UST compliance and release cleanup in Indian country along with meeting the objectives laid out in the tribal strategy. EPA is also working with the tribes to meet the EPAct requirement of conducting on-site inspections of all tanks in Indian country once every three years.

LUST Cleanup Performance Goal for FY 2013 in Indian country:

- Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration in Indian country (Target: 45; ACS measure code 113).

Program Priorities and Initiatives

OUST fully supports the Administrator's desire to create a culture of One EPA where all EPA offices coordinate with each other across traditional program boundaries to achieve our mutual priorities. For example, we are working with OSWER's Office of Brownfields and Land Revitalization and the Office of Policy's Office of Sustainable Communities program to jointly develop our second three-year strategy to address petroleum brownfields, and to leverage expertise and resources across programs. This work supports the Administrator's priority of Cleaning up our Communities and the agency's cross-cutting fundamental strategy of Working for Environmental Justice and Children's Health. OUST is also coordinating with the Office of Air and Radiation on their efforts to approve new alternative fuels to achieve improved air quality and address the Administrator's priority of Taking Action on Climate Change, while at the same time, ensuring that these new fuels can be safely stored in the nation's infrastructure of underground storage tanks.

In FY 2013 EPA regions and states should look for opportunities for partnerships between the UST and Brownfields programs that can both address petroleum brownfields sites and reduce the LUST backlog, including best practices recently identified by OUST. Regions and states should also take steps to implement compatibility regulations and guidance regarding alternative fuels.

Community Engagement

OUST will work to enhance community engagement in UST program decision-making. By partnering with our state and tribal partners, we can improve access to information and more effectively communicate site risks. Enhancing community engagement will ensure local communities have a voice in programmatic actions, including redevelopment options. Our work will support OSWER's Community Engagement Initiative (CEI). OUST, in consultation with states and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), has developed best practices for tailoring community engagement practices.

In FY 2013, OUST will continue to assist states and regions (with stakeholder input) in enhancing state and tribal public involvement policies and processes. Specifically, OUST, through regular communications (quarterly and bi-weekly calls, meetings, etc.) with the regions, states and tribes, will encourage them to utilize the tools and resources made available on the UST community engagement web page. OUST will also continue to encourage, through various venues, regions and states to use their best professional judgment to identify LUST sites that may warrant enhanced community engagement, i.e., tailor community engagement activities to site circumstances.

OUST will continue to encourage and welcomes additional ideas and input from regions and states regarding community engagement activities and is committed to sharing this information on the OUST community engagement web page as well as through other mechanisms. By communicating real-life approaches and experiences, EPA, states, and communities can benefit from this collective knowledge.

Environmental Justice

In support of the Administrator's priority to "Expand the Conversation on Environmentalism and Work for Environmental Justice," the agency has developed a Plan EJ2014 to help EPA integrate environmental justice into its programs. OUST supports this plan and will work to ensure that environmental justice communities are not disproportionately impacted by releases from underground storage tanks. Towards that end, OUST is committed to several efforts such as:

- Following the guidance as outlined in the AA/OSWER's February 3, 2011, memorandum, entitled *Integrating Environmental Justice in Rules and Guidance*, for the revisions to the UST regulations.
- Working to integrate re-use opportunities with overall community planning, providing tools to communities to locate potential candidates for re-use, inspiring vision for re-use possibilities and providing practical knowledge to implement reuse plans.
- Supporting prevention activities through a grant with the Inter-Tribal Council of Arizona (ITCA) that provides targeted compliance assistance training to tribal governments and tank owners/operators.

- Analyzing and exploring strategies to assess environmental justice impacts associated with the underground storage tanks program.
- Utilizing EJSCREEN as the nationally consistent screening tool to screen for the presence of EJ communities impacted by underground storage tanks.

American Recovery and Reinvestment Act of 2009 (ARRA)

The LUST cleanup program received significant supplemental funding through the FY 2009 American Recovery and Reinvestment Act (ARRA). Additional details can be found at http://www.epa.gov/recovery and http://www.recovery.gov/. These funds enabled states to work toward assessing and cleaning up underground storage tank releases at over 7,000 sites in our country and provided an economic stimulus in all the states that received LUST Recovery Act funding. The period of performance for 30 out of the 54 LUST ARRA grants ended September 30, 2011 and all but 3 grants will end by the end of FY 2012. Therefore, Recovery Act activities will continue into FY 2013 but will be limited.

Preventing Underground Storage Tank Releases

EPA recognizes that compliance with UST regulations offers the best prospect for preventing releases and detecting releases as early as possible. In partnership with its state and tribal partners, EPA is committed to fully implementing the Energy Policy Act UST provisions, including more frequent inspection, requiring secondary containment for new installations, properly training operators, and prohibiting delivery to severely noncompliant UST. The UST program is currently updating the federal regulations to incorporate Energy Policy Act provisions and update additional provisions of the regulations based on suggestions from extensive stakeholder outreach. We anticipate finalizing the regulations in FY 2013, and beginning to work with states and tribes to implement them. The Tanks program, in close coordination with EPA's Air program, is working to ensure that higher blends of ethanol such as E15 are stored in compatible UST systems in order to avoid any unintended consequences such as a potential increase in the number of leaks from systems that are not compatible. Regions and states should also take steps to implement compatibility regulations and guidance regarding alternative fuels. Other program priorities include providing continued technical guidance and assistance to other governments and the regulated community.

Cleaning Up Underground Storage Tank Releases

EPA has efforts underway to continue to reach out to new partners and find new information and new tools to enhance the ability to address these cleanups. For example, in 2011 as part of the Integrated Cleanup Initiative, EPA completed a detailed study of the open sites with contamination remaining in the backlog. As an outgrowth of that study, in FY 2013 EPA will work with states to implement a practical suite of strategies to accelerate corrective action, improve program management and target sites of interest.

EPA also is working to monitor the financial mechanisms being used by states and private parties to finance cleanups, in order to assure there is, and will continue to be,

sufficient funding available. In FY 2012, OUST completed its regional guidance to assist in the review of the soundness of state funds and began a piloting process with several regions on the guidance's implementation. Depending upon the outcome of these pilots, the regional offices will begin a regular review of state funds using this guidance in FY 2013.

Another action under the ICI is to build on the success of the traditional Brownfields program by looking for opportunities to promote the cleanup and redevelopment of abandoned gas stations (more generally known as "Petroleum Brownfields"). In FY 2013, OUST will work with OBLR, regions, states and tribes to implement the second three-year plan, developed jointly with OBLR. Another important resource EPA provides to states and tribes is continuing research into the specific contaminants at LUST cleanup sites, the risk associated with them, and appropriate cleanup tools to address them. Finally, EPA provides technical assistance and guidance towards addressing challenging technical issues (e.g., biofuels, petroleum vapor intrusion). In particular, OUST will develop its petroleum vapor intrusion (PVI) guidance in 2012 to assist investigators in their examination of this pathway. Training and implementation activities associated with this guidance are expected for FY 2013.

Performance Monitoring and Reporting

Regional Coordination

Regional planning meetings, regional Division Directors' meetings, and regularly scheduled monthly conference calls between OUST and the regional UST/leaking UST program managers provide opportunities for OUST and regional management to assess the strengths and weaknesses of federal and state programs and decide where EPA's support is most needed and would be most productive. OUST holds additional Regional Program Manager meetings, as needed.

Regional offices are expected to verify the accuracy and completeness of data provided by states in the web-based Oracle database, known as LUST4. Verification must be an ongoing process each time states submit data in the LUST4 database. Regional offices are to follow the verification guidance provided by OUST and also included in the LUST4 training video located in the EPA Portal database. In general, such processes should involve sufficient interaction with states that the regional offices can be confident that the data submitted at the end of each reporting period are complete, up-to-date and accurate. Each regional office should conduct reviews of state data. Each region must certify with an electronic signature in the LUST4 database that the reviews have occurred and are accurate. In addition, regional offices are held accountable for working with states to improve their data systems where appropriate.

State Reporting Requirements and Schedule

States must submit performance data[30] on a semi-annual basis. States are to report mid-year performance data on or before April 5, 2013. Regional offices must report the region-specific mid-year performance data on or before April 12, 2013. All mid-year performance data must be reported and verified via the online LUST4 Semiannual Measures subsystem.

States are to report the estimated number of end-of-year cleanups completed on or before September 6, 2013. Regional offices must report the estimated number of end-of-year cleanups completed in Indian country by September 13, 2013.

States are to report end-of-year performance data on or before October 7, 2013. Regional offices must report the region-specific end-of-year performance data on or before October 14, 2013. All end-of-year performance data must be reported and verified via the online LUST4 Semiannual Measures subsystem.

For states and regions (for tribes) with active ARRA grants, each are requested to report the eight program performance measures[31] reflecting cumulative totals within 10 days after the end of each calendar quarter. ARRA performance measures and locational information must be reported and verified via the online LUST4 ARRA Measures and Location subsystems.

Deliverable Dates for State and Regional Programs

Date	States	Regions
April 6	Report mid-year data in LUST4 semiannual performance measures online application.	
April 13		Report final mid-year region-specific data in the LUST 4 semiannual performance measures online application. Verify data by completing and signing checklist in the LUST4 semiannual performance measures online application.
September 7	Report estimates of cleanups completed for end-of-year.	
September 14		Report estimates of

[30] Semiannual performance measure definitions can be found at http://www.epa.gov/oust/cat/PMDefinitions.pdf.
[31] ARRA performance measures can be found at http://www.epa.gov/oust/eparecovery/perfmeas.htm.

		cleanups completed by tribes and states to OUST.
October 9	Report end-of-year data in LUST4 semiannual performance measures online application.	
October 15		Report end-of-year region-specific data in LUST4 semiannual performance measures online application. Verify data by completing and signing checklist in the LUST4 semiannual performance measures online application.

Tribal Program Development

OSWER is committed to protecting human health and the environment in Indian country while supporting tribal self government, acting consistently with the federal trust responsibility, and strengthening the government-to-government relationships between tribes and the EPA. Support provided to tribal governments includes capacity building, technical and financial assistance, research and outreach. OSWER will continue implementing the *OSWER Tribal Strategy, an EPA and Tribal Partnership to Preserve and Restore Land in Indian Country*, which describes in detail OSWER program strategies, priority activities, and associated measures for tribes from 2009-2014. By implementing this strategy, EPA will strengthen partnerships with tribes, improve tribal participation in all OSWER-related programs, enable tribes to achieve better environmental outcomes, and enhance environmental protection in Indian country.

While implementing these priorities, OSWER will use cross-program approaches to integrate and leverage activities (e.g., EPA Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity Assistance), and anticipate future needs as tribes develop more mature programs. In 2013, OSWER intends to focus on the following key areas to help improve tribal program development and performance:

- Actions that enable tribes to develop and implement sustainable waste management programs, where tribes have built capacity and demonstrate program readiness.
- Supporting tribal community engagement efforts across OSWER.
- Work with tribes, as part of the Integrated Cleanup Initiative, to identify and implement improvements to the agency's land cleanup programs.
- Work across the agency to implement the *EPA Policy on Consultation and Coordination with Indian Tribes*, and ensure that OSWER consults with tribes on applicable rules and guidances.
- Ensure OSWER meets its obligations to involve the public and be responsive to the environmental justice concerns of non-federally recognized tribes, individual tribal members, tribal community-based/grassroots organizations and other indigenous stakeholders.
- Tribal support through the OSWER cooperative agreement with the Institute for Tribal Environmental Professionals, including the annual Tribal Lands Forum.
- New technologies and opportunities for tribal outreach.
- Technical assistance on mining impacts on tribal lands.
- Tribal and EPA roles under the Resource Conservation and Recovery Act.
- Enhancing opportunities for tribes in green initiatives (e.g., RE-Powering America, Community Action for a Renewed Environment (CARE), and the Sustainable Materials Management (SMM) program).
- Climate change impacts on Native American communities—adaptations and opportunities to reduce the carbon footprint in Indian country (e.g., land management, waste management and energy and resource conservation initiatives in Indian country).
- Understanding and reducing risk in Indian country.

Environmental Justice and Community-Based Programs

Environmental justice (EJ) is a priority through all of OSWER's waste programs, promoting healthy and environmentally sound conditions for all people. By integrating EJ into all its programs, OSWER seeks to mobilize its resources to address the needs of disproportionately burdened communities.

To facilitate the continued integration of EJ into its programs, OSWER will:

- Implement Plan EJ 2014 to address the needs of overburdened, minority, low-income, and indigenous populations by empowering local communities to take action to improve their health and environment;
- Utilize guidance and tools produced under Plan EJ 2014 as it works to advance and promote the agency's environmental justice objectives, including EJ Legal Tools, rulemaking guidance, and permitting guidance;
- Develop and implement key strategies for EJ and Children's Health to promote healthy and sustainable communities;
- Provide opportunities to engage communities in our work;
- Continue to support the CARE program;
- Develop improved methods of information delivery and technical assistance to communities underrepresented in EPA cleanup decisions at contaminated sites;
- Overcome barriers to incorporating EJ in decision making; and
- Consider approaches for incorporating EJ in setting priorities, allocating resources, targeting activities, and measuring progress.

EJSCREEN

In the past, regions have used various screening tools such as EJ SEAT, EJ LandView, and census track data to identify overburdened and underserved communities. In moving forward, OSWER will utilize EJSCREEN as the nationally-consistent screening tool to screen for the presence of EJ communities impacted by RCRA Corrective Actions, underground storage tanks, and hazardous waste sites. EJSCREEN connects the evaluation on demographics and environmental data to determine whether a community is burdened by a disproportionate impact. The results of EJ SCREEN should inform the agency of areas needing more in-depth exploration.

EJ Legal Tools

In FY 2012, OSWER will focus on the *EJ Legal Tools* document due to its immediate applicability. The EJ legal Tools set forth authority under RCRA, the Emergency Planning and Community Right to Know Act, and CERCLA to address EJ considerations. These authorities give EPA the right to take actions "necessary to protect health and welfare or the environment" and it authorizes EPA to ensure fair treatment and meaningful participation in environmental decision-making for minority, low-income, and indigenous populations that are disproportionately impacted. For example, under several RCRA authorities and CERCLA, EPA or the state can take into account

cumulative risk, unique exposure pathways, and scenarios or sensitive populations in establishing priorities for the permit and corrective action programs or UST releases. These authorities establish a process for addressing EJ through decision making, engagement mechanisms and technical assistance. OSWER will work with the EPA regional offices, as well as the states and tribes, to explore additional opportunities to use these tools.

Under Plan EJ 2014, OSWER has identified two program initiatives to focus its efforts on maximizing the environmental, health, and economic benefits to overburdened communities. OSWER will build on the work of the Community Engagement Initiative and the Brownfields Area-Wide Planning Initiative to better serve EJ communities.

Another example of OSWER's work on Plan EJ 2014 is its leadership of the cross-agency focus area on Supporting Community-Based Action Programs. OSWER strives for true cross-agency coordination by working with other NPMs and all ten EPA regions. It is the goal of OSWER and the agency to better support the creation of healthy and sustainable communities through this effort. Activities under this cross-agency focus area include:

- Development of EJ and Title VI language for inclusion in agency NEPPS and NPM guidances for FY 2013.
- Creation of a catalogue of EPA funding opportunities to support equitable development for *all* communities.
- Working with state and local partners to identify how EPA's work impacts land use planning, siting, and decision making.
- Support the agency's One EPA efforts by creating planning documents for large conferences and meeting.

OSWER will work directly with EPA's Office of Policy (OP) and OECA, as well as the regions, to support the agency's Environmental Justice and Children's Health strategies. Under this key area, OSWER and the agency will look at how to replicate and expand use of best practices from EPA's multimedia community-based programs to improve their efficiency and effectiveness for reducing environmental risks and promoting healthy communities. The aim of this effort is to improve the EPA's collective understanding of how to harmonize agency's programs. It will focus on a single community in each of the ten EPA regions to align the various community-based programs and to promote partnerships with private and public entities.

This effort ties to *EPA's FY 2011-2015 Strategic Plan*, Cross-Cutting Fundamental Strategies and Administrator's Priorities in the following ways:

- Supports *EPA's FY 2011-2015 Strategic Plan*, Goal 3, Objective 1: Promote Sustainable and Livable Communities;
- Supports the cross-cutting fundamental strategy on *Working for Environmental Justice and Children's Health*; and

- Supports the Administrator's Priority on *Expanding the Conversation on Environmentalism and Working for Environmental Justice.*

OSWER will also be a direct partner with the Office of Water in implementing the Urban Waters Initiative, and in particular in engaging other federal agencies in this effort. This initiative offers an opportunity for communities to revitalize both land and water areas, which are inextricably linked. Where OSWER is working to help clean and revitalize contaminated sites, OSWER will partner with the Office of Water to coordinate efforts to also revitalizing and improving access to surrounding waters.

Community Action for a Renewed Environment (CARE)

The CARE program provides funding tools and technical support that enable underserved communities to create collaborative partnerships to take effective actions to address local environmental problems. OW is the NPM leading coordination of the CARE program, with OAR as co-lead until January FY 2014. OSWER, OCSPP, OEJ and OCHP principals and staff continue to actively participate as One EPA in this cross-agency program.

OSWER FY 2013 GRANTS MANAGEMENT GUIDELINES

EPA believes that consistent and quantifiable reporting of state results is critical toward achieving national goals and results. In concert with this belief, OMB's FY 2007 Budget passback instructed EPA to "develop a standardized template for states to use in reporting results achieved under grant agreements with EPA". In early FY 2008, a workgroup was created to identify lessons learned in EPA's State Grant Template Measures (SGTM) approach and provided recommendations for FY 2009 and beyond. The workgroup found that the SGTM approach by itself is inadequate to fulfill the objectives of accurately characterizing, delineating, and communicating results under state grants relative to EPA's mission. As a result, EPA and the Environmental Council of the States (ECOS) have developed alternative approaches to discuss with OMB on how best to achieve accountability for state grant performance during FY 2013.

In FY 2013, EPA remains committed to strengthening our oversight and reporting of results from state grants, not only linking state grant work plan commitments to EPA's strategic plan, but also enhancing transparency and accountability. EPA and the states will continue working in FY 2013 to achieve this through two related efforts:

State Grant Workplans: The agency's long-term goal is for EPA and the states to achieve greater consistency in workplan formats. To achieve that goal, The Office of Grants and Debarment (OGD) recently issued Grants Policy Issuance (GPI) 11-03, "State Grant Workplans and Progress Reports". The GPI was developed by the State Grant Workplan workgroup, composed of EPA and state grant practitioners, and replaces the state grant performance measures template. The effective date of the GPI is October 1, 2012. Based on that effective date, the agency's goal is to have all covered grants awarded on or after October 1, 2012 comply with the GPI.

The workgroup built upon the results of the FY 2009 State Grant Workplan Pilot. The new state grant workplans do not mandate a change in format as long as they satisfy the three essential elements:

Essential Element 1 – Strategic plan goal
Essential Elements 2 – Strategic plan objective
Essential Element 3 – Workplan commitments plus time frame

To address Essential Elements 1 and 2, workplans must clearly label the Strategic Plan Goal(s) and Strategic Plan Objective(s) from the current version of the agency's Strategic Plan, that are associated with each Workplan Commitment or group of Commitments. It will be important for national program managers and regional program offices to provide appropriate outreach, assistance and education to state recipients on developing this format. In addition, OGD will work with the regions on a case-by-case basis to address any implementation challenges. If a particular state agency has difficulties under state law in adopting the established format, OGD will work with the affected region and NPM to resolve the issue. Please contact Howard Corcoran, OARM/OGD, at (202) 564-1903 should you have any questions.

Grant Progress Reports:
Regional program offices must ensure that interim and final progress reports submitted by state recipients prominently display the three Essential Elements.

In FY 2013, the agency will utilize new information technology (IT) tools to improve program management including e-reporting, new targeting tools, and upgrades to agency IT infrastructure. A key part of this approach is assisting states in modifying their programs to implement electronic reporting with regulated facilities. States will now be able to include IT infrastructure and reporting as allowable costs in programmatic grants.

State Grant Performance Measures (formally known as State Grant Template Measures): The current set of measures flagged as State Grant Template Measures in ACS will be retained for FY 2013 reporting. As in FY 2012, the use of the template to capture results for these measures is not required. However, reporting on the results remains the responsibility of the regions and states. The agency and members of ECOS have had ongoing discussions as to whether there is utility in identifying a set of common measures that reflect the primary functional work areas under each of the 14 categorical grants. Issues that have been raised include how the agency would capture and use these measures. The agency, in consultation with ECOS, will continue to evaluate the workplan initiative discussed above and determine whether it sufficiently enhances transparency and accountability such that developing a common set of measures is unnecessary. Please contact Margo Padgett, OCFO/OPAA, at (202) 564-1211 should you have any questions.

During FY 2013, OSWER will continue to "Promote the Exchange Network for Reporting Environmental Information" consistent with the Administrator's July 2009 directive to NPMs to work to achieve the vision of the Network as "the preferred way EPA, states, tribes, and others share and exchange data."

OSWER places a high priority on accountability and effective grants management in the solicitation, selection, award, and administration of assistance agreements in support of OSWER's mission. The following key areas will be emphasized as we implement our grant programs:

1. Standardizing the timing of issuance of grants guidance for categorical grants (i.e., by April of the fiscal year prior to the year in which the guidance applies);
2. Ensuring effective management through emphasis on training and accountability standards for Project Officers and their managers; and
3. Utilizing new state grant measures to link grants performance to the achievement of environmental results as detailed in the agency's Strategic Plan, Annual Plan and the OSWER National Program Manager Guidance.

The Office of Grants and Debarment (OGD), in its efforts to strengthen the management and oversight of agency assistance agreements, issued a *"Grants Management Plan for 2009-2013."* The plan is designed to help ensure grant programs meet the highest

management and fiduciary standards and further the agency's mission of protecting human health and the environment. The plan highlights five grants management goals:

1. Demonstrate the achievement of environmental results;
2. Foster a high-quality grants management workforce;
3. Enhance the management process for grants policies and procedures;
4. Standardize and streamline the grants business process; and
5. Leverage technology to strengthen decision making and increase public awareness.

OSWER continues to promote these goals and to work closely with OGD.

Timing of Guidance Issued for Categorical Grants

One of OSWER's objectives is to organize and coordinate the issuance of draft and final guidance documents, including grants guidance, to coincide as much as possible with state, tribal, and regional planning processes. As a result, all guidance packages for categorical grant programs are to be issued by April of the year in advance of the fiscal year of availability of funds if at all possible (e.g., guidance for fiscal year 2013 appropriated funds needs to be issued by April 2012). Not all categorical grant programs issue annual guidance. These programs may simply indicate that they are continuing to use their current guidance.

Effective Grants Management

OSWER's Acquisition and Resources Management Staff (ARMS) serves as liaison to OGD and the first resource for Project Officers and their managers in disseminating, implementing, and ensuring compliance with EPA new and existing grants management policies and procedures. ARMS also serves as the point of contact in consultations with our regional offices and Grant Coordinators Workgroup.

ARMS' central coordinating role serves to ensure consistent implementation and compliance with agency grants management policies and procedures throughout OSWER Headquarters and regional program offices. This enables OSWER project officers to focus on how best to properly manage assistance agreements to meet program goals and objectives.

ARMS provides training, on an as-needed basis, and strongly encourages OSWER Grant Coordinators, Project Officers, and their managers to participate in training which addresses the core competency areas identified in the agency's *Long-Term Grants Management Training Plan*.

Promoting Competition

OSWER places great importance on assuring that, to the maximum extent possible, all discretionary funding opportunities are awarded in a fair and open competitive

environment and that no applicant receives an unfair advantage. OSWER Project Officers must ensure that these actions are fully compliant with EPA Order 5700.5A1, *Policy for Competition of Assistance Agreements* in the solicitation, selection, and award of assistance agreements.

The competition policy, effective January 15, 2005, applies to:

1. competitive announcements issued, released, or posted after January 14, 2005;
2. assistance agreement competitions, awards, and disputes based on competitive announcements issued, released, or posted after January 14, 2005;
3. non-competitive awards resulting from non-competitive funding recommendations submitted to a Grants Management Office after January 14, 2005; and
4. assistance agreement amendments issued after January 14, 2005.

For each competitive funding opportunity announcement, OSWER's Senior Resource Official certifies that the expected outcomes from the awards are appropriate and in support of program goals and, that the announcement is written in a manner to promote competition to the maximum extent practicable.

In accordance with agency policy, all OSWER competitive funding opportunity announcements are advertised by posting to Grants.gov, the central federal electronic portal for applying for grant opportunities.

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8. assistance agreement amendments issued after January 14, 2005.

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In accordance with agency policy, all OSWER competitive funding opportunity announcements are advertised by posting to Grants.gov, the central federal electronic portal for applying for grant opportunities.

Ensuring Effective Oversight of Assistance Agreements

Consistent with guidance from the Grants Administration Division, OSWER develops a *Post-Award Management Plan* which presents our strategy for ensuring proper oversight and management of assistance agreements, specifically, grants and cooperative agreements. The plan, developed in accordance with EPA Order 5700.6 A1, *"Policy on Compliance, Review and Monitoring,"* establishes baseline monitoring requirements for all OSWER grants and cooperative agreements and defines the responsibilities of OSWER managers for post-award monitoring of assistance agreements. The plan does not apply to OSWER regional grants or cooperative agreements, nor does it include requirements for Interagency Acquisitions (IA).

Monitoring activities ensure satisfaction of five core areas:

1. Compliance with all programmatic terms and conditions;
2. Correlation of the recipient's work plan/application and actual progress under the award;
3. Availability of funds to complete the project;
4. Proper management of and accounting for equipment purchased under the award; and
5. Compliance with all statutory and regulatory requirements of the program.

Baseline monitoring activities are conducted by Project Officers on every assistance agreement award issued through OSWER program offices. Project Officers are responsible for conducting baseline monitoring on an ongoing basis throughout the life of each agreement. The objective is to keep track of progress on the assistance agreement, ensuring that each recipient maintains compliance with all terms and conditions of the award, including financial and programmatic conditions.

Annually, OSWER conducts Advanced Monitoring Activities (including both on-site and off-site evaluative reviews) on a minimum of 10 percent of our assistance agreement recipients. The reviews are conducted using the "Desk and Off-site Review Protocol" and "On-site Review Protocol" guidance offered in EPA Order 5700.6 A1. Project Officers are required to submit reports of the reviews, in the "Required Format for Writing a Programmatic Review Report for On-site and Off-site Evaluative Reviews," within 60 calendar days of completion of the evaluation.

OSWER continually stresses the importance of Project Officer's timely submission of evaluative reviews into the Grantee Compliance Database. Implementation of EPA Order 5700.8, *"EPA Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards,"* effective March 31, 2005, further highlights the necessity of timely submission. Under the Order, Project Officers are required to assess the programmatic capability of the non-profit applicant when the dollar amount of the federal share exceeds $200,000; taking into account pertinent information from the Grantee Compliance Database and the grant application. Project Officers are required to provide an assurance in the funding recommendation/funding package that the applicant

possesses, or will possess, the necessary programmatic capability.

All competitive grant announcements, under which non-profit organizations can compete, must contain a programmatic capability ranking factor(s). Non-profit applicants and other applicants that compete will be evaluated under this factor. Non-profit applicants selected for funding will be subject to a review for administrative capability similar to that for non-competitive awards.

Project Officer Performance Standards

OSWER supports the requirement that all employees involved in grants management should have their grants management responsibilities appropriately addressed in their performance agreements. On January 5, 2007, OGD issued a memorandum entitled "Assessing 2007 Grants Management Performance under the Performance Appraisal and Recognition System (PARS)." The memorandum implements recommendations resulting from a cross-agency Performance Measures Workgroup that developed several performance measures for assessing the grants management performance of project officers, supervisors and managers.

OSWER's Senior Resource Official has mandated the inclusion of factors that address grants management responsibilities in the performance standards of our Project Officers. To assist in this effort, OSWER has disseminated the guidance provided by OGD's January 5, 2007, memorandum to all of our Project Officers, Managers, and Grant Coordinators.

Environmental Results of Grants and Link to *Strategic Plan*

On January 1, 2005, EPA issued the Environmental Results Order (5700.7). Under the Order, program offices are required to identify and link environmental results from proposed assistance agreements to the agency's Strategic Plan/GPRA architecture. Further, the Order requires that the linkage to the Strategic Plan, as well as anticipated outputs and outcomes are identified and addressed in assistance agreement competitive funding announcements, work plans, and performance reports submitted to Grants Management Offices after January 1, 2005.

In compliance with the Environmental Results Order, OSWER requires that Project Officers identify the linkage to EPA's Strategic Plan, including goals, objectives, and sub-objectives, and anticipated outcomes and outputs in all competitive funding announcements, prior to obtaining AA certification. Additionally, OSWER has identified environmental results as a "key topic" area in reviewing and approving funding packages for award, prior to submission to GAD.

Goal 3 of *EPA's FY 2011-2015 Strategic Plan* presents specific OSWER objectives and strategic targets that define, in measurable terms, the change in public health or environmental conditions to be accomplished by FY 2015. To achieve these long-term targets, EPA includes annual performance goals its Congressional Justification and

Annual Plan. *EPA's FY 2011-2015 Strategic Plan* is available at http://www.epa.gov/planandbudget/strategicplan.html and its Annual Performance Plans can be found at http://www.epa.gov/ocfo/budget/

Title VI of the Civil Rights Act of 1964

It is a priority of the agency to ensure compliance with Title VI of the Civil Rights Act of 1964, http://www.epa.gov/civilrights/t6lawrg.htm. This statute prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP), by entities receiving Federal financial assistance.

- As required by implementing EPA regulations at 40 C.F.R. Part 7, EPA applicants must complete EPA Form 4700-4 to demonstrate compliance with Title VI and other non discrimination statutes and regulations, http://www.epa.gov/ogd/forms/adobe/4700-4_sec.pdf. The regulations also impose specific obligations on grant recipients, including providing compliance information, establishing grievance procedures, designating a Title VI Coordinator, and providing notices of non-discrimination, http://www.epa.gov/civilrights/docs/40p0007.pdf.
- Title VI requires EPA financial assistance recipients to provide meaningful access to LEP individuals. To implement that requirement, and consistent with Executive Order 13166, http://www.epa.gov/civilrights/docs/eo13166.pdf, the Office of Civil Rights (OCR) issued guidance to recipients entitled, "*Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*" *http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25jn04-79.pdf*
- OCR also published a Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, http://edocket.access.gpo.gov/2006/pdf/06-2691.pdf.
- In coordination with the grants management community, OARM will work with OCR and the Office of General Counsel to develop and implement appropriate grant conditions, training programs and monitoring strategies to help achieve compliance with Title VI and implementing regulations and guidance.
- All recipients of EPA financial assistance have an affirmative obligation to implement effective Title VI compliance programs and ensure that their actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral. Recipients should be prepared to demonstrate that such compliance programs exist and are being implemented or to otherwise demonstrate how they are meeting their Title VI obligations.

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 2013 NPM GUIDANCE MEASURES APPENDIX

G/O	ACS Code	Measure Text	Non-Commit-ment Indicator	State Grant Measure (Y/N)	Nat. Target
3.1	B29	Number of brownfields properties assessed.	N	Y	1,200
3.1	B32	Properties cleaned up using brownfields funding.	N	Y	120
3.1	B33	Acres of brownfields property made ready for reuse.	Y	N	3,000
3.1	B34	Jobs leveraged from brownfields activities.	Y	N	5,000
3.1	B37	Billions of dollars of cleanup and redevelopment funds leveraged at brownfields sites.	Y	N	1.2
3.1	SM1	Number of participants recruited for Sustainable Materials Management Challenges.	N	N	TBD
3.1	CH2	Number of risk management plan audits and inspections completed.	N	N	500
3.1	PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals.	Y	N	40
3.1	PC2	Number of acres to be remediated under 40 CFR 761.61(a) or (c) approvals.	Y	N	100
3.1	CARE-1	Number of Community Action for Renewed Environment (CARE) cooperative agreement projects managed in order to obtain toxic reductions at the local level.	Y	N	N/A

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
FY 2013 NPM GUIDANCE MEASURES APPENDIX

G/O	ACS Code	Measure Text	Commit-ment Indicator (Y/N)	State Grant Measure (Y/N)	Nat. Target
3.2	HW0	Number of hazardous waste facilities with new or updated controls.	N	Y	100
3.2	ST1	Reduce the number of confirmed releases at UST facilities to five percent (5%) fewer than the prior year's target.	Y	Y	< 7,715 (UST releases)
3.2	ST6	Increase the percentage of UST facilities that are in significant operational compliance with both release detection and release prevention requirements by 0.5% over the previous year's target.	Y	Y	67%
3.2	TR1	Number of tribes covered by an integrated waste management plan .	N	N	3
3.2	TR2	Number of closed, cleaned up or upgraded open dumps in Indian country or other tribal lands.	N	N	57
3.3	132	Number of Superfund-lead removal actions completed.	N	N	170
3.3	133	Number of PRP removal completions (including voluntary, AOC, and UAO actions) overseen by EPA.	N	N	170
3.3	327A	Percent of all FRP facilities found to be non-compliant which will be brought into compliance.	Y	N	40%
3.3	328A	Percent of all SPCC facilities found to be non-compliant which will be brought into compliance.	Y	N	40%
3.3	C1	Score on Core NAR evaluation.	Y	N	72%
3.3	112	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration.	N	Y	10,100
3.3	113	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration in Indian country.	N	Y	45

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G/O/S	ACS Code	Measure Text	Non-Commit-ment Indicator	State Grant Measure (Y/N)	Nat. Target
3.3	122	Number of Superfund remedial site assessments completed.	N	N	650
3.3	131	Number of remedial action projects completed at Superfund NPL sites.	N	N	115
3.3	141	Number of Superfund construction completions.	N	N	19
3.3	S10	Number of Superfund sites ready for anticipated use site-wide.	N	N	60
3.3	151	Number of Superfund sites with human exposures under control.	N	N	10
3.3	152	Number of Superfund sites with contaminated groundwater migration under control.	N	N	15
3.3	CA1	Number of RCRA facilities with human exposures under control.	N	Y	85% or 152 facilities
3.3	CA2	Number of RCRA facilities with migration of contaminated groundwater under control.	N	N	73% or 137 facilities
3.3	CA5	Number of RCRA facilities with final remedies constructed.	N	Y	51% or 168 facilities
5.1	OSRE-01	Reach a settlement or take an enforcement action before the start of a remedial action at 99 percent of Superfund sites having viable, liable responsible parties other than the federal government.	N	N	99%
5.1	OSRE-02	Address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal to or greater than $200,000.	N	N	100%
5.1	HQ-VOL	Volume of contaminated media addressed as a result of concluded CERCLA and RCRA corrective action enforcement actions.	N	N	300M CY

Explanation of Changes between FY 2012 and FY 2013 Template

Office of Solid Waste and Emergency Response

Change from FY 2012 Guidance Document		Reason for Change	Affected Pages and Sections
Priorities	Described efforts regarding Chemical Warfare / Centers of Expertise.	Current preparedness priority.	Key National Program Strategies and Priorities, page 23.
	Described Contract 2010 priority.	Highlight emphasis on expanding use of socio-economic firms and local hires, while maintaining flexibility in the program's acquisition tools.	Executive Summary, page 2.
	Finalize new UST regulations and begin implementation.	Regulations were proposed in Dec 2011, anticipate becoming final in early FY 2013.	Executive Summary, page 7. Key National Strategies and Priorities, page 58.
Strategies	Balance the overall Superfund Remedial Pipeline.	Focus on completing projects already underway as opposed to starting new project phases.	Executive Summary, page 2. Key National Program Strategies and Priorities, page 12.
	Transition Brownfields Area-wide Planning (AWP) program from pilot to implementation phase.	Implementing AWP program more broadly. Another round of AWP grant funding will be conducted in FY 2012.	Key National Program Strategies and Priorities, page 32.
	Expand the Brownfields Job Training grants program which will now be called the Environmental Workforce Development and Job Training grants program.	Improve skill sets of training recipients to improve prospects for employment within a larger environmental field.	Executive Summary, pages 3 and 6. Key National Program Strategies and Priorities, page 30.
	Implement practical strategies for accelerating corrective action at unaddressed contaminated	Completion of Backlog Study in 2011 provided basis to develop strategies (2012).	Key National Program

	UST sites. Monitor financial mechanisms to ensure that adequate funding will continue to be available to clean up contaminated USTs.	Guidance developed in FY2012 for assuring fund soundness, and pilots on guidance will be conducted in FY2012.	Strategies and Priorities, page 58. Key National Program Strategies and Priorities, page 58.
Annual Commitment Measures	New measure: Number of participants recruited for Sustainable Materials Management Challenges.	Replaces waste minimization measure "Billions of pounds of municipal solid waste reduced, reused and recycled."	Executive Summary, page 8. Key National Program Strategies and Priorities, page 41. Measures Appendix, page 1.
Tracking Process	N/A		
Contacts	Bill Dalebout, 703-603-8826. Derrick Brown, 202-566-2752. Judy Kertcher, (703) 603 7172	New Superfund Remedial contact. New Brownfields contact. New Underground Storage Tanks contact.	Executive Summary, page 9.