

NATIONAL PROGRAM MANAGER (NPM) GUIDANCE

FISCAL YEARS 2018-2019

Office of Enforcement and Compliance Assurance

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I. INTRODUCTION

For almost fifty years, the protections mandated by our federal environmental laws have been essential to the growth of American prosperity. Non-compliance with those laws diminishes our shared prosperity and unfairly tilts the field of economic competition in favor of those that skirt the law. EPA’s Office of Enforcement and Compliance Assurance (OECA)—in cooperation with its tribal, state, and local partners—is present to ensure compliance and see to the enforcement of the law.

OECA discharges this responsibility using many methods. These methods range from informal enforcement actions (e.g., “find and fix”), compliance assistance to the regulated community, preferential treatment of entities that self-disclose non-compliance, and better-designed rules that are clearer and easier to implement all the way to traditional civil and criminal enforcement actions. And OECA will continue to work with its tribal, state, and local partners in this important work, particularly in using diverse and innovative approaches to advance compliance.¹

EPA’s enforcement priorities remain focused on violations in the statutory programs that it implements directly. As has long been the case, the overwhelming majority of EPA’s enforcement actions are taken in programs that are not delegable to the states or in states that have not sought authorization to implement a delegable program. In authorized states, EPA and states share enforcement responsibility with primary enforcement responsibility residing with the states,² which often join with EPA in bringing cases. EPA generally takes the enforcement lead in authorized states only: 1) at the request of the state ; 2) when the state is not well positioned to bring an action (e.g., federal and state facilities or in actions involving facilities in multiple states); 3) when the states “do[es] not provide the resources necessary to meet national regulatory minimum standards or ha[s] a documented history of failure to make progress toward meeting national standards;”³ or 4) when EPA has a unique role, including emergency situations and national enforcement priority areas.

EPA’s compliance assurance and enforcement programs continue to work with tribes on a government-to-government basis to protect human health and the environment. The Agency’s work in Indian country involves both oversight of tribes implementing federal programs and direct implementation of federal programs, including compliance and enforcement, where tribes have not received or are not able to receive program approval. EPA compliance assurance and enforcement work in Indian country is undertaken consistent with the [EPA Policy on Consultation and Coordination with Indian Tribes](#), the [OECA Guidance on the Enforcement Principles of the 1984 Indian Policy](#), and applicable EPA non-tribal specific policies and guidance.

¹ For example, see April 2017 [Resolution 17-2: On the Value of Diverse and Innovative Approaches to Advance Compliance with Environmental Requirements | The Environmental Council of States](#).

² See e.g., ECOS Resolution 98-9, U.S. EPA Enforcement in Delegated States (revised September 28, 2016), describing the EPA and state roles in enforcement in authorized states: “WHEREAS, U.S. EPA and the States have bilaterally developed policy agreements which reflect those roles and which recognize the primary responsibility for enforcement action resides with the States, with U.S. EPA taking enforcement action principally where the State requests assistance, is unwilling or unable to take timely and appropriate enforcement actions, or in actions of national interest, or in actions involving multiple state jurisdictions.”

³ <https://www.ecos.org/wp-content/uploads/2017/06/ECOS-Cooperative-Federalism-2.0-June-17-FINAL.pdf>

This FY 2018-2019 National Program Manager (NPM) Guidance for the Office of Enforcement and Compliance Assurance (OECA) is a preliminary planning document and reflects the most current information available regarding specific programmatic commitments and activities⁴. It identifies the national compliance and enforcement activities that the U.S. Environmental Protection Agency (EPA or the Agency) and state, local and tribal government agencies will perform in FY 2018-2019 consistent with the budget and the Administrator's priorities. This NPM Guidance describes how the EPA plans to work with tribes, states, and local government agencies to ensure compliance with environmental laws. The *EPA Overview* to the National Program Manager (NPM) Guidances communicates important agency-wide information and should be reviewed in conjunction with this (FY) 2018-2019 NPM Guidance as well as other applicable requirements. Read the overview at: <http://www2.epa.gov/planandbudget/national-program-manager-guidances>. OECA may update this draft NPM Guidance throughout the development process as more specific policy direction is provided by the new Agency leadership team, more information is available about our appropriations, as public comments are received during the external review process, and additional information is available through our ongoing planning discussions with our state, local, and tribal partners.

II. KEY PROGRAMMATIC ACTIVITIES

A. Strengthening EPA/State Collaboration and State Performance

Most major federal environmental laws require the EPA to establish minimum, nationwide program standards, and then authorize states and tribes to implement these programs. Under the principle of cooperative federalism, EPA and the states have bilaterally developed policy agreements which reflect their respective roles, including the June 1984 "Policy Framework for State/EPA Enforcement Agreements" (revised 1986 and 1993).

On a national level, EPA is working closely with states (with individual states, and through associations representing state environmental officials) to develop new compliance tools and approaches to make our programs more effective and efficient in promoting compliance and remedying violations. Some of our ongoing collaborative efforts with ECOS include⁵: producing webinars to help us identify new compliance approaches that we could then pilot and evaluate; developing smart mobile tools to make our inspectors more efficient and effective; increasing availability of training; preparing for advances in pollution monitoring technology⁶; expanding electronic reporting in the NPDES program to reduce burdens and improve outcomes. In FY

⁴ For FY 2019, EPA will develop FY 2019 Addenda to the FY 2018-2019 NPM Guidances that will reflect the future FY 2019 Congressional Justification (CJ) and EPA's FY 2018-2022 Strategic Plan (due to Congress in February 2018). This NPM Guidance applies to OECA, all EPA regional enforcement programs, and states, tribes, and local agencies authorized or delegated to implement EPA inspection and enforcement programs.

⁵ For more information on OECA's collaboration with ECOS via E-Enterprise, see [Article: Advanced Monitoring Technology: Opportunities and Challenges. A Path Forward for EPA, States, and Tribes.](#)

⁶ For more information on a broader range of collaborations between OECA and ECOS, see [Compendia of Next Generation Compliance Examples in Water, Air, Waste, and Cleanup Programs.](#)

2017, EPA and ECOS are launching a workgroup of senior state and EPA officials expressly to strengthen the state-EPA compliance assurance partnership.

EPA and states with authorized programs collaborate to share information, develop implementation tools, and innovate new approaches. Regions and authorized states work together to ensure minimum program standards are met, and to support program improvements where necessary, through a range of tools, including joint planning, work-sharing, and training.

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

Throughout the history of the SRF, EPA has continuously worked with states to identify and implement updates and improvements to the SRF program. During FY 2017, EPA and states worked together to update the metrics that will be used in the fourth round of SRF reviews, which begin in FY 2018.

Activities: EPA regions, coordinating with their states and tribes where appropriate:

- Continue to support these national EPA-state collaborations by facilitating communication with their states, providing feedback and comments, or participating in pilot with states.
- Conduct all Round 4 SRF reviews of state CAA, CWA, and RCRA enforcement programs scheduled for 2018 and 2019 following SRF Round 4 guidance to be issued at end of FY 2017 (available on the ECHO SRF page), and enter completed draft and final SRF reports into the SRF Tracker.
- Focus oversight resources on state programs that are unable to meet minimum national performance standards. In addressing state core program performance issues, regions should respond according to the approaches articulated in the 1986 Revised Policy Framework for State/EPA Enforcement Agreements, as updated, and the National Strategy for Improving Oversight of State Enforcement Performance.

Activities: states, tribes and local government agencies:

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

For a more specific program description and detailed list of past activities that may apply to FY 2018-2019, please reference [OECA’s FY 2016-2017 NPM Guidance](#) and the point of contacts listed in Appendix C.

Measures (see Appendix A): For SRF see ACS measure SRF01.

B. Addressing the Most Serious Non-Compliance Concerns in Communities

The EPA's Compliance Monitoring program provides the critical infrastructure to detect noncompliance with federal regulatory laws and to promote compliance with the nation's environmental laws and protect human health and the environment. Compliance monitoring employs a variety of compliance assurance tools and activities that co-regulators and the EPA use to identify whether regulated entities are in compliance with applicable laws, regulations, and permit conditions. These compliance assurance tools include data collection and analysis, transparency, compliance assistance, self-disclosure, informal actions (e.g., find & fix), and better designed rules that are clearer and easier to implement. In addition, compliance monitoring activities such as inspections and investigations are conducted to determine whether conditions exist that may present imminent and substantial endangerment to human health and the environment.

In FY 2018-2019, the EPA's compliance monitoring activities such as field inspections and data analysis tools, will be prioritized and focus on those programs that are not delegated to states and tribes, while providing monitoring in authorized programs to support and complement authorized state, tribal, and local government programs. The Agency will prioritize work with co-regulators to develop methods that successfully leverage advances in both monitoring and information technology.

In FY 2018-2019, the EPA's compliance monitoring activities will continue to be both environmental media-based and sector-based. The EPA's media-based inspections complement those performed by co-regulators, and are a key part of the joint EPA-state strategy for meeting the long-term and annual inspection goals established for the air, water, pesticides, toxic substances and hazardous waste programs. These inspections ensure compliance with important programs under major environmental statutes such as the Clean Water Act (CWA), Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Emergency planning and Community Right-To Know Act (EPCRA). Sector-based inspections may include, but are not limited to, those conducted at federal facilities and inspections targeted to address facilities with potential environmental justice concerns.

Activities: EPA regions, states and tribes where appropriate:

- Adhere to the updated [Compliance Monitoring Strategies](#) (CMSs) for the [CWA](#), [RCRA](#), [CAA](#), [FIFRA](#) and [TSCA](#) programs, including for inspections in the federal facilities sector, as resources allow. The revised CMSs provide compliance monitoring goals for these programs and include flexibility to ensure that the most important pollution problems within each media program are addressed and accommodate for expanding universes of regulated entities and resource limitations.
- Ensure that any state and tribal inspectors who inspect on behalf of EPA are trained and credentialed consistent with [Agency guidance](#). States that are authorized by EPA to implement a program have their own training guidelines.

- Ensure timely and accurate entry of federal inspection and enforcement data into the EPA Integrated Compliance Information System (ICIS) national database.

For more specific program descriptions and a detailed list of past activities that may apply to FY 2018-2019, please reference [OECA's FY 2016-2017 NPM Guidance](#) and the point of contacts listed in Appendix C.

Measures (see Appendix A): For Federal Facilities see ACS measure FED-FAC 05. For CAA see ACS measures CAA04 and CAA06. For RCRA see ACS measures RCRA01-03, RCRA01.s, and RCRA02.s. For TSCA see ACS measure TSCA01OC and TSCA02OC. For FIFRA see ACS measure FIFRA-FED1. For EPCRA see ACS measures EPCRA01-02.

C. Implementing the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The EPA's CERCLA enforcement program ensures prompt site cleanup and uses an "enforcement first" approach that maximizes the participation of liable and viable parties in performing and paying for cleanups. The program protects communities by ensuring that potentially responsible parties (PRPs) conduct cleanups at National Priorities List (NPL) sites, preserving federal dollars for sites where there are no viable contributing parties. By addressing the risks posed by Superfund sites, the CERCLA enforcement program strengthens the economy and spurs economic growth by returning Superfund sites to productive use. Superfund construction projects can have a direct impact on enhancing our national infrastructure while addressing harmful exposure.

For further information regarding the Agency, state, local and community activities and measures recommended by the Office of Land and Emergency Management (OLEM), you may review the OLEM FY 2018-2019 National Program Manager Guidance.

Activities: EPA regions, coordinating with their states and tribes where appropriate:

- Leverage resources to maximize cleanup: specifically, maintain focused enforcement efforts to compel PRP participation earlier in the response process; hold parties accountable to timeframes and commitments; identify responsible parties earlier in the process.
- Focus Superfund enforcement on the highest-priority sites and those enforcement activities that achieve the biggest return on our investment based on environmental risk.
- Address liability concerns that can be a barrier to getting sites cleaned up and returned to productive use.
- Continue the strong partnerships with states and tribes on PRP searches, long-term stewardship, community engagement and revitalization.

For a more specific program description and detailed list of past activities that may apply to FY 2018-2019, please reference [OECA's FY 2016-2017 NPM Guidance](#) and the point of contacts listed in Appendix C.

D. Implementing National Enforcement Priorities

For more than 20 years, OECA has employed the [National Enforcement Initiatives](#) (NEIs) as a mechanism for strategically focusing EPA's enforcement and compliance resources to address widespread noncompliance associated with serious environmental or human health problems, where federal enforcement can make a significant difference; EPA then identifies goals, measures and tools for addressing these problems. These initiatives are reevaluated every three years in order to assure that federal enforcement and compliance resources efficiently address such widespread noncompliance problems.

The NEIs for the current cycle (FY 2017-FY 2019) were selected through a collaborative process using input from states, tribes, and other external stakeholders. States provide input throughout the NEI selection process and EPA regional offices partner with their states and tribes to coordinate implementation. As part of an NEI, EPA may provide our co-regulators with focused technical and legal support, education and outreach, and training and capacity building in areas such as inspector training, advanced monitoring, data analysis and financial modeling. While enforcement cases are the most visible tool used to address the serious violations that are the focus of the NEIs, the NEIs also employ other tools, such as compliance assistance. Several of the current NEIs include an expanded emphasis on other compliance tools, such as working with states to develop easier-to-understand permit conditions, issuing compliance advisories, encouraging self- and third party audits, and working with trade associations. In FY18-19, tools to promote compliance will be further incorporated in the NEIs.

The NEIs for FY 2017-FY 2019 are: Reducing Air Pollution from the Largest Sources; Cutting Hazardous Air Pollutants (HAPs); Reducing Air Emissions of Hazardous Wastes from RCRA Regulated Facilities; Ensuring Energy Extraction Activities Comply with Environmental Laws; Reducing Risks of Accidental Releases at Industrial and Chemical Facilities; Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters; Preventing Animal Waste from Contaminating Surface and Ground Water; and Keeping Industrial Pollutants Out of the Nation's Waters.

Activities: EPA regions, coordinating with their states and tribes where appropriate:

- Implement the strategies for the National Enforcement Initiatives, including in communities that may be disproportionately exposed to risks and harm from pollutants in their environment.

Measures (see Appendix A): For *Reducing Air Pollution from the Largest Sources*, see ACS measures PBS-NSR07 and NSR08. For *Cutting Hazardous Air Pollutants*, see ACS measures PBS-ATX03 and ATX04. For *Reducing Air Emissions of Hazardous Wastes from RCRA Regulated Facilities*, see ACS measure PBS-RCRAAIR01. For *Ensuring Energy Extraction Activities Comply with Environmental Laws*, see ACS measures PBS-EE01 and EE03. For *Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters*, see ACS measures PBS M105-M108. For *Preventing Animal Waste from Contaminating Surface and Ground Water*, see ACS measures PBS-CAF002, CAF007 and CAF008. For *Keeping Industrial Pollutants Out of the Nation's*, see ACS measures PBS-ID01 and 02.

For *Reducing Risks of Accidental Releases at Industrial and Chemical Facilities*, the Office of Land and Emergency Management (OLEM) oversees the ACS process for inspection activity under this program. Please refer to the ACS measure, CH2 (Number of risk management plan inspections completed), located in OLEM's NPM Guidance ACS Appendix.

Measures (see Appendix A): For SRF see ACS measure SRF01.

E. Implementing NPDES E-Reporting

OECA, together with the EPA regions, the Office of Water, and authorized states, continues to implement work to improve compliance with Clean Water Act requirements. Improvements in the water compliance and enforcement program include switching from existing paper reporting to electronic reporting, resulting in increased efficiency and improved transparency of the NPDES program; create a new paradigm in which regulations and permits improve compliance via public accountability, self-monitoring, self-certification, electronic reporting and/or other innovative methods; and conducting comprehensive and coordinated permitting, compliance, and enforcement programs to improve state and EPA performance in protecting and improving water quality.

In FY 2018-2019, the EPA will continue to maintain ICIS access to the Agency, states, tribes and the public, and implement the NPDES Electronic Reporting Rule covering e-reporting rule permitting requirements for the EPA, states and tribes on an adjusted schedule. The EPA will work with states and tribes to evaluate and prioritize the development of additional electronic reporting tools that support states. The EPA's electronic reporting tools save the states a significant amount of resources in development and operations and maintenance costs.

For further information regarding the Agency, state, local and community activities and measures recommended by the Office of Water, you may review the FY 2018-2019 National Water Program Manager Guidance.

Activities: EPA regions, coordinating with their states and tribes where appropriate:

- Implement the final [NPDES Electronic Reporting Rule](#) (40 CFR §127), ensure states are implementing the NPDES Electronic Reporting Rule by adopting the use of EPA e-reporting tools (NetDMR, NeT) or developing their own state e-reporting tools, and review state and regional general permit paper forms to evaluate consistency with Appendix A in the final rule.
- Coordinate closely with the Office of Compliance to individually evaluate their states' implementation of the NPDES Electronic Reporting Rule, including: resolving any outstanding issues with the implementation of EPA's Cross-Media Electronic Reporting Regulation (CROMERR – 40 CFR part 3), complying with data sharing requirements (40 CFR 127.23), and evaluating the electronic reporting participation rate (e.g., 90-percent of DMR filers should be electronically submitting their DMRs).
- Require e-reporting for all permits written by the regions as required by the NPDES Electronic Reporting Rule and share permit application, inspection, and enforcement action data on all facilities as required by the NPDES Electronic Reporting Rule.

- EPA regions should also ensure that they and their states are meeting the data sharing requirements in the NPDES Electronic Reporting Rule by reviewing the “NPDES eRule Readiness and Data Completeness Dashboard” on ECHO (see: <https://echo.epa.gov/oversight/npdes-erule-dashboard>)
- Consider in targeting, monitoring, enforcement and state oversight the complete array of the NPDES regulated universe, going beyond the historic focus on traditional NPDES majors to include a subset of significant non-major facilities. Regions should conduct such activities using available tools, such as those on [epa.ECHO.gov](https://epa.echo.gov) including the Water Quality Indicators Map (<https://echo.epa.gov/maps/wqimap>) to locate water pollution hot spots and the DMR Pollutant Loading Tool, to examine the source, location and amount of discharged pollutants (www.epa.gov/pollutantdischarges).

Activities: states, tribes and local government agencies:

- Implement the final NPDES Electronic Reporting Rule (40 CFR 127) and develop e-reporting tools or use EPA tools (NetDMR; NeT).
- Take an active role in educating and training the regulated community in using the e-reporting tools.

For a more specific program description and detailed list of past activities that may apply to FY 2018-2019, please reference [OECA's FY 2016-2017 NPM Guidance](#) and the point of contacts listed in Appendix C.

APPENDICES

Appendix A: FY 2018-2019 NPM GUIDANCE MEASURES

This appendix includes a list of measures and revisions (underlined> to be continued from the FY 2016-2017 NPM Guidance, new measures to be implemented in FY 2018, revisions from the and a list of measures from the FY 2017 NPM Guidance Addendum to be discontinued in FY 2018.

Note: For the new *Reducing Risks of Accidental Releases at Industrial and Chemical Facilities* National Enforcement Initiative, the Office of Land and Emergency Management (OLEM) oversees the ACS process for inspection activity under this program. Please refer to the ACS measure, CH2 (Number of risk management plan inspections completed), located in OLEM's NPM Guidance ACS Appendix.

Measures Continued in FY 2018-2019

ACS Code	Measure Text
PBS-ATX03	NEI: Cutting <i>Hazardous Air Pollutants</i> Number of facilities evaluated for compliance within the national focus areas.
PBS-ATX04	NEI: Cutting <i>Hazardous Air Pollutants</i> Number of addressing actions at facilities within the national focus areas.
PBS-NSR07	NEI: <i>Reducing Air Pollution from the Largest Sources</i> Number of NSR/PSD investigations of coal-fired electric utilities.
PBS-NSR08	NEI: <i>Reducing Air Pollution from the Largest Sources</i> Number of completion reports or referrals to DOJ for coal-fired electric utilities.
PBS-M105	NEI: <i>Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters</i> Number of Phase 1 municipal separate storm sewer system permit assessments conducted.
PBS-M106	NEI: <i>Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters</i> Number of civil judicial referrals and/or addressing actions for sanitary sewer systems (SSS) with total treatment capacity ≥ 10 mgd. Optional - Number of civil judicial referrals and/or addressing actions for SSSs < 10 MGD.

ACS Code	Measure Text
PBS-M107	<p>NEI: <i>Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters</i> Number of civil judicial referrals and /or addressing actions for CSS communities serving populations $\geq 50,000$.</p> <p>Optional - Number of civil judicial referrals and/or addressing actions for CSS communities serving populations $< 50,000$.</p>
PBS-M108	<p>NEI: <i>Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters</i> Number of civil judicial referrals and/or addressing actions for Phase I and II MS4s.</p> <p>Optional - Number civil judicial referrals and/or addressing actions for Phase II MS4s.</p>
PBS-CAF002	<p>NEI: <i>Preventing Animal Waste from Contaminating Surface and Ground Waters</i> Number of federal AFO/CAFO inspections.</p>
PBS-EE01	<p>NEI: <i>Assuring Energy Extraction Sector Compliance with Environmental Laws</i> Number of compliance evaluations/inspections conducted in the air and water programs at land-based natural gas extraction and production facilities (e.g., wells, compressor stations, gas plants), and at disposal sites (e.g., injection wells, lagoons, ponds, land application). Land impacts and inspections conducted under other media programs may be included per discussion and agreement with the EEPI Strategy Implementation Team.</p>
PBS-EE03	<p>NEI: <i>Assuring Energy Extraction Sector Compliance with Environmental Laws</i> Number of land-based natural gas extraction and production addressing actions.</p>
SDWA02	<p>During FY 2018, the primacy agency must address with a formal enforcement action or return to compliance the number of priority systems equal to the number of its PWSs that have a score of 11 or higher on the July 2017 ETT report. State, territory and tribal breakouts shall be indicated in the comment field of the Annual Commitment System.</p> <p>Please note: A primacy agency's success at addressing violations will be tracked by means of the quarterly ETT reports. Numerical targets may be adjusted at mid-year. While it remains the ERP's goal that all of a priority system's violations will be returned to compliance, a primacy agency has met its commitment under the FY 2018 SDWA ACS measures with respect to a priority system if the score for that system has been brought below, and remains below, 11.</p>
EJ01	<p>Percentage of non-exempt cases brought by the EPA in areas determined by the EPA to have potential EJ concerns. [Note: While we are tracking this measure, there is no specific target number or trend we expect to achieve. EJ is one of many factors the Agency considers in bringing an enforcement action.]</p>

ACS Code	Measure Text
CWA07	<p>By December 31, provide to OECA a specific NPDES Compliance Monitoring Strategy (CMS) plan for the current year for each authorized state in the region and a regional plan wherever EPA direct implementation occurs (e.g., non-authorized states, territories, Indian country, pretreatment, etc.). Each CMS plan should be developed in accordance with the guidelines in Part 1 of the 2014 revised NPDES CMS. Any proposed alternative CMS plan should be provided to OECA for consultation and review by August 15, unless the region and OECA agree upon a later date.</p> <p>By December 31, provide for each state and EPA direct implementation area, a numerical end of year report on EPA and state CMS plan outputs from the prior year, by category and subcategory, corresponding to each of the planned CMS activities.</p> <p>The ACS commitment for each region should reflect the total number of state and regional CMS plans and end of year reports to be submitted to OECA for the year (e.g., an annual ACS commitment of 12 for a region that will submit six state and regional CMS plans and six state and regional CMS end-of-year reports).</p>
CAA04	<p>The number of compliance evaluations to be conducted by the regions at major sources, 80% synthetic minors, and other sources (as appropriate). [Note: Region should break out evaluation projections by source classification and by compliance monitoring category (FCE, PCE, and Investigations). For the total number of evaluations to be conducted, the region should also identify how many of these evaluations are conducted at sources in Indian country for which the Region has Direct Implementation responsibilities.] Projected evaluations under this commitment are those evaluations initiated by the regions for the air enforcement program outside of the National Enforcement Initiatives, and identified by the air program (e.g., MACT, NSPS).</p>
CAA06	<p>Ensure that delegated state, tribal and local government agencies implement their compliance and enforcement programs in accordance with the CAA CMS and have negotiated facility-specific CMS plans in place. The regions are to provide the number of FCEs at majors and 80% synthetic minors to be conducted by individual state/tribal local government agencies to demonstrate program implementation consistent with CMS. However, if a delegated agency negotiates with a Region an alternative CMS plan or alternative activities (pursuant to the CAA CMS national dialogue), this commitment should reflect the alternative plan. [Note: Break out evaluation and activity projections (e.g., FCEs; PCEs included in alternative plan) by source classification. Please indicate when a commitment is pursuant to an approved alternative plan.] Prior to approving an alternative plan, regions should consult with the Office of Compliance (OC) and provide OC with information on how the state, tribal or local government agency compliance monitoring air resources will be redirected and the rationale for making the change.</p>

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

ACS Code	Measure Text
RCRA03	Inspect each operating TSDf operated by states, tribal, or local governments.
TSCA 010C	Project the total number of FY 2018 TSCA inspections. In the comment field of the Annual Commitment System (ACS), the region shall break out the number of projected inspections by TSCA program area (LBP, PCBs, Asbestos, New and Existing Chemicals).
FIFRA-FED1	Project regional (federal) FIFRA inspections. Each region should conduct a minimum of ten (10) FIFRA inspections.

New/Revised Measures

ACS Code	Measure Text
PBS-RCRAAIR01	<p>NEI: <i>Reducing Air Emissions of Hazardous Wastes from RCRA Regulated Facilities</i> Number of RCRA hazardous waste inspections of facilities on the RCRA-Air NEI target list.</p> <p>Note: regions have generally agreed that 20% of their total annual ACS commitments from RCRA01 and RCRA02 will be at facilities on the RCRA-Air NEI target list.</p>
PBS-ID01	<p>NEI: <i>Keeping Industrial Pollutants Out of the Nation's Waters</i> Number of NPDES inspections at high priority facilities identified for compliance assessments under the Industrial Dischargers NEI.</p>
PBS-ID02	<p>NEI: <i>Keeping Industrial Pollutants Out of the Nation's Waters</i> Number of NPDES addressing actions at high priority facilities identified under the Industrial Dischargers NEI.</p>
PBS-CAF007	<p>NEI: <i>Preventing Animal Waste from Contaminating Surface and Ground Waters</i> <u>Submit 1 report at mid-year. This report will describe efforts to advance technologies that address excess nutrients at CAFOs.</u></p>
PBS-CAF008	<p>NEI: <i>Preventing Animal Waste from Contaminating Surface and Ground Waters</i> <u>Submit 1 progress report per federal fiscal year. This report will include a section that provides an EOY update on any work reported under CAF007.</u></p>

ACS Code	Measure Text
SRF01	<p>By FY 2018 (September 30, 2018), complete draft reports for all Round 4 SRF reviews scheduled for calendar year 2018. (Final reports are to be completed by December 31, 2018 (first quarter of FY 2019).)</p> <p><u>Regions in FY 2017 developed a plan to complete all Round 4 state reviews within five years, that is, by the end of calendar year 2022. OC will hold annual discussions with regions to establish whether any modifications to the schedules are necessary.</u></p> <p><u>Note: Regions are to finalize all Round 3 SRF reports for state CAA, CWA and RCRA enforcement programs scheduled for calendar year 2017 no later than December 31, 2017 (first quarter of FY 2018).</u></p>
FED-FAC05	<p><u>Conduct single or multimedia federal facility inspections in order to ensure a national enforcement and compliance presence in the federal facilities sector.</u></p> <p><u>Note: As provided in the National Federal Facilities Compliance & Enforcement FY 2018 Program Agenda, regions will conduct 10 federal facility inspections and will be afforded flexibility in meeting some of the commitments by undertaking other compliance assurance activities, including compliance assistance. As available, resources (regional inspector travel funds, contract inspector access, and case support) will be provided.</u></p>
TSCA 020C	<p>Report other compliance monitoring activities at the end of the year; and break-out the description of other such activities by TSCA program area. <u>Such activities may include:</u></p> <p><u>On-site activities may include compliance activities that will help assess compliance of the facility as a whole. The on-site evaluation may include any of the following activities:</u></p> <ul style="list-style-type: none"> • <u>Review regulated activities.</u> • <u>Review required reports, records or other relevant documents.</u> <p><u>Off-site activities may include compliance evaluations designed to assess compliance of the facility. The off-site evaluation activities may include any of the following activities:</u></p> <ul style="list-style-type: none"> • <u>Review or audit reports, records or other relevant documents.</u> • <u>Evaluate responses to formal information requests, i.e., IRLs.</u> • <u>Assess or triage tips and complaints that enable a closeout of a complaint.</u>
EPCRA 01	Conduct at least four (4) EPCRA 313 data quality inspections (and/or off-site record reviews).
EPCRA 02	Conduct at least twenty (20) EPCRA 313 non-reporter inspections (and/or off-site record reviews).

Discontinued Measures

ACS Code	Measure Text
<u>FIFRA-FED 2</u>	For EPA regions with direct implementation responsibilities in Indian country and states without primacy, project the number of regional (federal) FIFRA inspections focused on the Worker Protection Standard (WPS).
OSRE-01	Reach a settlement or take an enforcement action by the start of remedial action at 99% of non-federal Superfund sites that have viable, liable parties.
OSRE-02	Address all unaddressed costs in Statute of Limitations cases for sites with total past Superfund costs equal to or greater than \$500,000 in value via settlement, referral to DOJ, filing a claim in bankruptcy, or where appropriate write-off.
HQ-VOL	<p>Volume of Contaminated Media Addressed (VCMA). As part of the Goal 5 sub-objective, Support Cleaning up Our Communities, the following is the GPRA target: In 2018, obtain commitments to clean up 140 million cubic yards of contaminated soil and groundwater media as a result of concluded CERCLA and RCRA corrective action enforcement actions.</p> <p>OECA has reported VCMA for contaminated soil and groundwater media as separate measures in its annual results since 2004. The GPRA target is a national target and regions are not required to post commitments in ACS.</p>

Appendix B: Grants Guidance

Fiscal Year 2018-2021 FIFRA Cooperative Agreement Guidance

The purpose of this guidance is to identify pesticide program and compliance and enforcement program areas that must be addressed in state and tribal cooperative agreements and to provide information on work plan generation, reporting and other requirements.

- [FY 2018-2021 FIFRA Cooperative Agreement Guidance \(PDF\)](#)

Appendix C: Point of Contact for More Information

Note: An asterisk (*) next to a contact name in the first column signifies a subject-matter expert for the subject area with a corresponding asterisk (*) in the second column.

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