Goal 9: A Credible Deterrent to Pollution and Greater Compliance with the Law

EPA will ensure full compliance with the laws intended to protect human health and the environment.

Background and Context

Protecting the public and the environment from risks posed by violations of environmental requirements is basic to EPA's mission. Many of America's environmental improvements over the last quarter century are attributable to a strong set of environmental laws and an expectation of compliance with those laws. EPA's enforcement program has been the centerpiece of efforts to ensure compliance, and has achieved significant improvements in human health and the environment.

Means and Strategies

Many of the environmental improvements in this country during the past 30 years can be attributed to a strong set of environmental laws and EPA's ensuring compliance with the laws using a variety of tools including: enforcement, compliance monitoring, compliance assistance, and compliance incentives in cooperation with our regulatory partners.

Due to the breadth and diversity of private, public, and federal facilities regulated by EPA under various statutes, the Agency needs to target its enforcement and compliance assurance activities strategically to address the most significant risks to human health and the environment and to ensure that certain populations do not bear a disproportionate environmental burden. A strong enforcement program identifies noncompliance problems, assists the regulated community in understanding environmental laws and regulations, punishes violators, strives to secure a level economic playing field for law-abiding companies, and deters future violations. EPA's continued enforcement efforts will be strengthened through the development of measures to assess the impact of enforcement activities and assist in targeting areas that pose risks to human health or the environment, display patterns of noncompliance and include disproportionately exposed populations. Further, EPA cooperates with other nations to enforce and ensure compliance with environmental regulations.

The Agency reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions and settlement agreements and to determine whether conditions presenting imminent and substantial endangerment exist. The majority of work years devoted to compliance monitoring are provided to the regions to conduct investigations and on-site inspections including monitoring, sampling and emissions testing. Compliance monitoring activities are both environmental media- and sector-based. The traditional media-based inspections complement those performed by states and tribes and are a key strategy for meeting the long-term and annual goals established for the air, water, pesticides, toxic substances, and hazardous waste environmental goals included in the EPA Strategic Plan.

The Agency's enforcement and compliance assurance program uses compliance assistance and incentive tools to ensure compliance with regulatory requirements and reduce adverse public health and environmental problems. To achieve compliance, the regulated community must understand its regulatory obligations and how to comply with those obligations. EPA supports the regulated community by assuring that requirements are clearly understood and by helping industry find cost-effective options to comply through the use of pollution prevention and innovative technologies. EPA also enables other assistance providers (e.g., states, universities) to provide compliance information to the regulated community.

Maximum compliance requires the active efforts of the regulated community to police itself. EPA will continue to investigate options for encouraging self-directed audits and disclosure; measure and evaluate the effectiveness of Agency programs in improving compliance rates; provide information and compliance assistance to the regulated community; and develop innovative approaches to meeting environmental standards through better communication, cooperative approaches and application of new technologies.

State, tribal and local governments bear much of the responsibility for ensuring compliance, and EPA works in partnership with them and other Federal agencies to promote environmental protection. Further, EPA cooperates with other nations to enforce and ensure compliance with environmental regulations. At the Federal level, EPA addresses its uniquely Federal responsibilities under the National Environmental Policy Act (NEPA) by seeking remedies for potentially adverse impacts of major actions taken by EPA and other Federal agencies.

External Factors

The Agency enforcement and compliance program's ability to meet its annual performance goals may be affected by a number of factors. Projected performance could be impacted by natural catastrophes, such as major floods or significant chemical spills, that require a redirection of resources to address immediate environmental threats. Many of the targets are coordinated with and predicated on the assumption that state and tribal partners will continue or increase their levels of enforcement and compliance work. If these assumptions do not come to fruition, EPA's resources may be needed to cover priority areas. In addition, several EPA targets rely on the Department of Justice to accept and execute cases. The success of EPA's activities hinge on the availability and applicability of technology and information systems. Finally, the regulated community's willingness to comply with the law will greatly influence EPA's ability to meet its performance goals.

Other factors, such as the number of projects subject to scoping requirements initiated by other federal agencies, the number of draft/final documents (Environmental Assessments and Environmental Impact Statements) submitted to EPA for review, streamlining requirements of the Transportation Equity Act for the 21st Century (TEA-21), and the responsiveness of other federal agencies to environmental concerns raised by EPA, may also impact the Agency's ability to meet its performance goals.

Lastly, the NEPA Compliance workload is driven by the number of project proposals submitted to EPA for funding or NPDES permits that require NEPA compliance, including the Congressional projects for wastewater, water supply, and solid waste collection facility grants, which have increased in recent years.

Resource Summary

(Dollars in Thousands)

	FY 2001 Actuals	FY 2002 Enacted	FY 2003 Request
A Credible Deterrent to Pollution and Greater Compliance with the Law	**$393,979.3**	**$386,539.6**	**$402,462.9**
Increase Compliance Through Enforcement.	**$337,582.6**	**$337,781.6**	**$346,590.5**
Environmental Program & Management	$243,937.0	$239,905.0	$233,721.7
Hazardous Substance Superfund	$15,037.3	$19,016.6	$18,687.9
Science & Technology	$10,684.0	$10,948.6	$11,269.5
State and Tribal Assistance Grants	$67,924.3	$67,911.4	$82,911.4
Promote Compliance Through Incentives and Assistance.	**$56,396.7**	**$55,768.5**	**$55,872.4**
Environmental Program & Management	$51,367.9	$52,953.9	$53,043.0
Hazardous Substance Superfund	$899.9	$605.3	$620.1
State and Tribal Assistance Grants	$4,128.9	$2,209.3	$2,209.3
Total Workyears	2,511.2	2,442.5	2,330.7

Objective 1: Increase Compliance Through Enforcement

EPA and its state, tribal, and local partners will improve the environment and protect public health by increasing compliance with environmental laws through a strong enforcement presence.

Key Program

(Dollars in Thousands)

	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
Administrative Services	$4,432.7	$0.0	$0.0	$0.0
Capacity Building	$10,395.3	$9,417.1	$10,342.7	$925.6
Civil Enforcement	$102,817.0	$101,437.2	$99,718.8	($1,718.4)
Compliance Assistance and Centers	$351.6	$406.7	$378.0	($28.7)
Compliance Incentives	$415.9	$284.6	$292.6	$8.0
Compliance Monitoring	$56,781.2	$53,216.3	$51,198.4	($2,017.9)
Criminal Enforcement	$40,840.1	$41,555.7	$42,538.1	$982.4
Data Management	$15,479.7	$16,069.9	$16,372.7	$302.8
Enforcement Training	$5,277.7	$3,947.3	$3,880.4	($66.9)
Environmental Justice	$159.4	$0.0	$0.0	$0.0
Facilities Infrastructure and Operations	$34,719.8	$25,957.5	$27,464.3	$1,506.8
Homeland Security	$0.0	$10,467.8	$3,807.0	($6,660.8)
Legal Services	$855.7	$988.5	$1,057.4	$68.9
Management Services and Stewardship	$2,877.8	$5,804.7	$6,391.3	$586.6
NEPA Implementation	$233.9	$226.9	$237.4	$10.5
RCRA Enforcement State Grants	$43,127.6	$42,904.7	$42,904.7	$0.0
Regional Management	$1,031.2	$90.0	$0.0	($90.0)
State Multimedia Enforcement Grants	$0.0	$0.0	$15,000.0	$15,000.0
State Pesticides Enforcement Grants	$19,867.8	$19,867.8	$19,867.8	$0.0
State Toxics Enforcement Grants	$5,138.9	$5,138.9	$5,138.9	$0.0

Annual Performance Goals and Measures

Non-Compliance Reduction

In 2003 EPA will direct enforcement actions to maximize compliance and address environmental and human health problems.

In 2002 EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

In 2001 EPA directed enforcement actions to maximize compliance and address environmental and human health problems.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	Units
Millions of pounds of pollutants required to be reduced through enforcement actions settled this fiscal year.(core optional)	660	300	300	M pounds
75% of concluded enforcement actions require physical action that result in pollutant reductions and/or changes in facility management or information practices. OECA wIll break out the %.	74	75	75	Percent
Develop and use valid compliance rates or other indicators of compliance for selected populations.	6	5	5	Populations
Reduce by 2 percentage points overall the level of significant noncompliance recidivism among CAA, CWA, and RCRA programs from FY 2000 levels	2.4	2		PercentagePoint
Increase by 2 percent over FY 2000 levels the proportion of significant noncomplier facilities under CAA, CWA, and RCRA which returned to compliance in less than two years. (core required)	1.33	2		PercentagePoint
Produce report on the number of civil and criminal enforcement actions initiated and concluded.		1		Report

Baseline: Protecting the public and the environment from risks posed by violations of environmental requirements is basic to EPA's mission. To develop a more complete picture of the results of the enforcement and compliance program, EPA has initiated a number of performance measures designed to capture the results of lowering the timeline for significant noncompliers to return to compliance, reducing noncompliance recidivism rates, and improvements in facility process and/or management practices through behavioral changes. The baseline rates for many of these measures were established in FY00. These measures will complement the traditional enforcement measures of inspections and enforcement actions to provide a more complete picture of environmental results from the enforcement and compliance program.

Inspections/Investigations

In 2003 EPA will conduct inspections, criminal investigations, and civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance, or include disproportionately exposed populations.

In 2003 EPA will provide direct investigative, forensic, and technical support to the Office of Homeland Defense, FBI and /or other federal, state and local law enforcement agencies to help detect and prevent, or respond to, terrorist-related environmental, biological or chemical incidents.

In 2002 EPA will conduct inspections, criminal investigations, and civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.

In 2001 EPA conducted inspections and civil and criminal investigations targeted to areas with patterns of non-compliance, that pose risks to human health or the environment, or include disproportionately exposed populations.

Performance Measures:	**FY 2001 Actual**	**FY 2002 Enacted**	**FY 2003 Request**	**Units**
Number of EPA inspections conducted (core required)	17,812	15500	14000	inspections
Number of Criminal Investigations	482	400	400	Investigations
Develop a list of high priority facilities in Indian country for the enforcement and compliance program.	1			list
Number of Civil Investigations	368	200	180	Investigations
Establish minimum core compliance monitoring program for selected high priority facilities in Indian country.		5	4	Percent
EPA will respond to investigative leads that relate to security of homeland environment, FBI requests for support, and participate in all National Special Security Events as requested.			100	percent

Baseline: The compliance monitoring program works with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. The number of inspections projected varies each year by the complexity of facilities targeted. In FY03, EPA will maintain its enforcement presence by conducting at least 14,000 inspections, 400 criminal investigations and 180 civil investigations.

Quality Assurance

In 2003 Identify noncompliance, and focus enforcement and compliance assurance on human health and environmental problems, by maintaining and improving quality and accuracy of data.

In 2002 Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.

In 2001 EPA maintained and continued to improve enforcement and compliance data used to identify noncompliance and focus on human health and environmental problems.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	Units
Complete Phase I of Integrated Compliance Information System (ICIS) development (programming) and begin Phase II.	1			Phase
Operate 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency.	95	95		Percent
Design and develop Phase II of ICIS (modernization of the Permit Compliance System (PCS)) by September 2003.			1	Data System
Have Phase I of the Intregrated Compliance Information system ICIS fully operational in March 2002.		1		Phase
Ensure that enf. and compl. data is reported in 14 nat. info. systems to provide Fed. and state programs accurate and timely data through which env. and human health problems can be identified.			95	efficiency

Baseline: EPA's ability to target and measure effectiveness of its enforcement activities depends upon reliable and up-to-date data systems. EPA's 14 data systems will continue to operate at 95% or better operational efficiency. In conjunction with the operation and maintenance of existing systems, EPA will continue its system modernizing efforts and improve data integration and consistency.

Capacity Building

In 2003 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.

In 2002 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.

In 2001 OECA improved the capacity of states. localities and tribes to conduct enforcement and compliance programs.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	Units
Number of EPA training classes/seminars delivered to states, localities and tribes to build capacity.		200		Classes
Conduct EPA-assisted inspections to help build state program capacity	895	400	250	Inspections

The National Enforcement Training Institute will train Tribal personnel.	428			personnel
Provide tribal governments with 50 computer-based training (CBT) modules.	235	50	50	Training module
Total number of state and local students trained.		4900		Students
Train Tribal personnel.		95		Personnel

Baseline: Improve capacity of states, localities and tribes to conduct enforcement and compliance programs by providing training as well as assistance with state and tribal inspections.

International Enforcement

In 2003 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

In 2002 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

In 2001 EPA did ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Performance Measures:	**FY 2001 Actual**	**FY 2002 Enacted**	**FY 2003 Request**	**Units**
Track, consent to, and /or acknowledge the movement of haz.wastes into and out of the U.S. to ensure proper management to protect the env. and public health and safety.			100	percent

Baseline: In FY03, EPA will review and respond to 100 percent of the notices for transboundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with international agreements and the Resource Conservation and Recovery Act regulations.

Verification and Validation of Performance Measures

Performance Measure (PM)**:** 75% of concluded enforcement actions require physical action that result in pollutant reductions and/or changes in facility management or information practices. OECA will breakout the percentage among, physical, facility management and information practices.

Performance Database**:** Docket, which tracks EPA civil, judicial, and enforcement actions.

Data Source**:** The data for Docket are generated through the use of the Case Conclusion Data Sheet (CCDS), which Agency staff prepare after the conclusion of each criminal and civil (judicial and administrative) enforcement action. EPA implemented the CCDS in 1996 to capture relevant information on the results and environmental benefits of concluded enforcement cases. The information generated through the CCDS is used to track progress for several of the

performance measures. The CCDS form consists of 27 specific questions which, when completed, describe specifics of the case; the facilities; information on how the case was concluded; the compliance actions required to be taken by the defendant(s); the costs involved; information on any Supplemental Environmental Project to be undertaken as part of the settlement; the amounts and types of any penalties assessed; and any costs recovered through the action, if applicable. The CCDS requires that the staff identify if the facility/defendant, through injunctive relief, must: (1) reduce pollutants; and (2) improve management practices to curtail, eliminate or better monitor and handle pollutants in the future. For actions which result in pollution reductions, the staff estimate the amounts of pollution reduced over the lifetime of the enforcement action. There are established procedures for the staff to calculate, by statute, (e.g., Clean Water Act), the pollutant reductions or eliminations. The procedure first entails the staff's determining the difference between the current Aout of compliance@ concentration of the pollutant(s) and the post enforcement action Ain compliance@ concentration. This difference is then converted to mass per time using the flow or quantity information derived during the case.

QA/QC Procedures**:** Quality Assurance/Quality Control procedures are in place for both the CCDS and Docket entry. Separate CCDS Calculation and Completion Checklists are required to be filled out at the time the CCDS is completed.

Data Quality Review**:** Information contained in the CCDS and Docket are reviewed by regional and headquarters staff for completeness and accuracy.

Data Limitations**:** EPA has evaluated CCDS and noted several areas affecting data quality and has taken steps to address them. The problem areas included: a lack of consistency in the time frames used in reporting pollutant reductions from a case, and missing and misreported pollutant reduction data. One of the principal reasons for the problems identified was a lack of adequate guidance to staff on the preparation of the CCDS. The pollutant reductions or eliminations reported through the CCDS are estimates of what will be achieved if the defendant carries out the requirements of the settlement.

New & Improved Data or Systems**:** In November 2000, EPA completed a comprehensive guidance package on the preparation of the Case Conclusion Data Sheet. This guidance, issued to headquarters and regional managers and staff, was made available in print and CD-ROM. Both versions contain work examples to ensure better calculation of the amounts of pollutants reduced or eliminated through concluded enforcement actions. EPA is also planning to host CCDS training in each of its ten regional offices during FY 2002.

Performance Measure (PM): Millions of pounds of pollutants required to be reduced through settled enforcement actions. (Core optional)

Performance Database**:** Docket, which tracks EPA civil, judicial and enforcement actions.

Data Source**:** The data for Docket are generated through the use of the Case Conclusion Data Sheet (CCDS), which Agency staff prepare after the conclusion of each criminal and civil (judicial and administrative) enforcement action. EPA implemented the CCDS in 1996 to capture relevant information on the results and environmental benefits of concluded enforcement cases. The information generated through the CCDS is used to track progress for several of the performance measures. The CCDS form consists of 27 specific questions which, when completed, describe specifics of the case; the facilities; information on how the case was concluded; the compliance actions required to be taken by the defendant(s); the costs involved; information on any Supplemental Environmental Project to be undertaken as part of the settlement; the amounts and types of any penalties assessed; and any costs recovered through the action, if applicable. The CCDS requires that the staff identify if the facility/defendant, through injunctive relief, must: (1) reduce pollutants; and (2) improve management practices to curtail, eliminate or better monitor and handle pollutants in the future. For actions which result in pollution reductions, the staff estimate the amounts of pollution reduced over the lifetime of the enforcement action. There are established procedures for the staff to calculate, by statute, (e.g., Clean Water Act), the pollutant reductions or eliminations. The procedure first entails the staff's determining the difference between the current Aout of compliance@ concentration of the pollutant(s) and the post enforcement action Ain

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New & Improved Data or Systems**:** In November 2000, EPA completed a comprehensive guidance package on the preparation of the Case Conclusion Data Sheet. This guidance, issued to headquarters and regional managers and staff, was made available in print and CD-ROM. Both versions contain work examples to ensure better calculation of the amounts of pollutants reduced or eliminated through concluded enforcement actions. EPA is also planning to host CCDS training in each of its ten regional offices during FY 2002.

Performance Measure (PM): Develop and use valid compliance rates or other indicators of compliance for selected populations.

Performance Databases**:** The Permit Compliance System (PCS) tracks National Pollutant Discharge Elimination System (NPDES) permit and enforcement actions, as well as reporting and scheduling requirements. The Airs Facility Subsystem (AFS) captures emission, compliance and permit data for major stationary sources of air pollution. The Resource Conservation and Recovery Act Information System (RCRAInfo) supports permit, compliance, and corrective action activities carried out by the hazardous waste handlers.

Data Source**:** EPA regional offices, and delegated states.

QA/QC Procedures**:** All of the systems have been developed in accordance with the Office of Information Management's Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third-party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review**:** Regarding AFS, EPA Inspector General (IG) reports in 1997 and 1998 highlighted states' problems with identifying and reporting significant violators of the Clean Air Act, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, local areas.

Data Limitations**:**. For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. Additionally, there are incomplete data available on the universe of regulated facilities because not all are inspected/permitted. Further complicating the issue, significant violator definitions changed for the RCRA program in 1996 and for the Air program in Fiscal Year 1999. These differences within and across programs make long-term data comparison impractical.

New & Improved Data or Systems**:** PCS modernization is underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated

Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project to develop statistically valid compliance rates for selected universes of regulated facilities is underway. Also, a National Performance Measure Strategy project on the impact of EPA strategies on recidivism focuses attention on better compliance assurance targeting, i.e., monitoring, compliance assistance, incentives and enforcement.

Performance Measure (PM): Number of EPA inspections conducted.

Performance Databases**:** Integrated Data for Enforcement Analysis (IDEA) integrates data from major enforcement and compliance systems, such as the Permit Compliance System (PCS), Air Facilities Subsystem (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification system (ERNS).

Data Source: EPA regional offices.

QA/QC Procedures: All the systems have been developed in accordance with the Office of Information Management's Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, systems and user documents, data quality audit reports, third-party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: Regarding AFS, EPA Inspector General (IG) reports in 1997 and 1998 highlighted states' problems with identifying and reporting significant violators of the Clean Air Act, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, local areas.

Data Limitations**:** For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. Additionally, there are incomplete data available on the universe of regulated facilities because not all are inspected/permitted. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project to develop statistically valid compliance rates is underway.

Performance Measure (PM): Number of criminal investigations

Performance Databases**:** The Criminal Docket System (CRIMDOC) is a criminal case management, tracking, and reporting system. Information about criminal cases investigated by the U.S. EPA-Criminal Investigation Division (CID) is entered into CRIMDOC at case initiation, and investigation and prosecution information is tracked until case conclusion.

Data Source: U.S. EPA-CID offices.

QA/QC Procedures: The system administrator performs regularly scheduled quality assurance/quality control checks of the CRIMDOC database to validate data and to evaluate and recommend enhancements to the system.

Data Quality Review: N/A

Data Limitations**:** N/A

New & Improved Data or Systems: A new case management, tracking, and reporting system (Case Reporting System) is currently being developed that will replace CRIMDOC. This new system will be a more user-friendly database with greater tracking, management, and reporting capabilities.

Congressional Performance Measure (PM): Number of civil investigations

Performance Databases**:** Integrated Data for Enforcement Analysis (IDEA) integrates data from major enforcement and compliance systems, such as the Permit Compliance System (PCS), Air Facilities Subsystem (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification system (ERNS).

Data Source: EPA Regional offices.

QA/QC Procedures: All the systems have been developed in accordance with the Office of Information Management's Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third-party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: Regarding AFS, EPA Inspector General (IG) reports in 1997 and 1998 highlighted states' problems with identifying and reporting significant violators of the Clean Air Act, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, local areas.

Data Limitations**:** For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. Additionally, there are incomplete data available on the universe of regulated facilities because not all are inspected/permitted. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project to develop statistically valid compliance rates is underway.

Performance Measure (PM): Conduct EPA-assisted inspections to help build state program capacity.

Performance Database: Output measure; internal regional tracking system.

Data Source: Internal regional tracking system.

QA/QC Procedures: Regional and headquarters' managers check information to confirm accuracy.

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure (PM): **Ensure that enforcement and compliance data is reported in 14 national information systems to provide Federal and state programs accurate and timely**

data through which environmental and human health problems can be identified.

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

FY 2003 Congressional Performance Measure (PM): **Design and develop Phase II of ICIS (i.e., modernization of Permit Compliance System) by September 2003.**

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: Contained within the project design

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure (PM): EPA will respond to 100% of the following activities: investigative lease that relate to the security of homeland environment, FBI requests for investigative, forensic or technical support; and participations in all National Special Security Events (NSSE) identified by the Office of Homeland Defense, as requested by the Secret Service.

Performance Databases**:** The Criminal Docket System (CRIMDOC) is a criminal case management, tracking and reporting system. Information about criminal cases investigated by the U.S. EPA-CID (Criminal Investigation Division) is entered into CRIMDOC at case initiation, and investigation and prosecution information is tracked until case conclusion.

Data Source: U.S. EPA-CID offices.

QA/QC Procedures: The system administrator performs regularly scheduled quality assurance/quality control checks of the CRIMDOC database to validate data and to evaluate and recommend enhancements to the system.

Data Quality Review: N/A

Data Limitations**:** N/A

New & Improved Data or Systems: A new case management, tracking and reporting system (Case Reporting System) is currently being developed that will replace CRIMDOC. This new system will be a more user-friendly database with greater tracking, management and reporting capabilities.

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)
Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)
Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)
Safe Drinking Water Act sections 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)
Clean Air Act sections 113, 114, and 303 (42 U.S.C. 7413, 7414, 7603)
Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)
Emergency Planning and Community Right-to-Know Act sections 325 and 326 (42 U.S.C. 11045, 11046)
Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)
Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)
North American Agreement on Environmental Cooperation
1983 La Paz Agreement on US/Mexico Border Region
National Environmental Policy Act (NEPA) section 102(f)
Pollution Prosecution Act of 1990 (42 U.S.C. section 4321 note)

Objective 2: Promote Compliance Through Incentives and Assistance

EPA and its state, tribal, and local partners will promote the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs.

Key Program

(Dollars in Thousands)

	FY 2001 Enacted	FY 2002 Enacted	FY 2003 Request	FY 2003 Req. v. FY 2002 Ena.
Administrative Services	$677.2	$0.0	$0.0	$0.0
Capacity Building	$540.0	$614.0	$929.7	$315.7
Compliance Assistance and Centers	$24,228.3	$25,328.7	$24,728.7	($600.0)
Compliance Incentives	$10,071.8	$9,810.7	$9,397.3	($413.4)
Facilities Infrastructure and Operations	$3,326.7	$5,336.7	$5,724.0	$387.3
Legal Services	$239.7	$296.0	$321.0	$25.0
Management Services and Stewardship	$276.4	$860.4	$1,004.0	$143.6
NEPA Implementation	$10,847.5	$11,280.6	$11,548.4	$267.8
Public Access	$179.3	$0.0	$0.0	$0.0
Regional Management	$8.3	$32.1	$10.0	($22.1)
Sector Grants	$2,209.3	$2,209.3	$2,209.3	$0.0

Annual Performance Goals and Measures

Compliance Incentives

In 2003 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

In 2002 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

In 2001 EPA increased opportunities through targeted sector initiatives for industries to use one of the self-disclosure policies.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	Units
Facilities voluntarily self-disclose and correct violations with reduced or no penalty as a result of EPA self-disclosure policies.	1754	500	500	Facilities
Increase opportunities for corporate-wide voluntary self-disclosure through targeted sector initiatives.			2	initiatives

Baseline: EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations. That Policy as well as the Small Business Compliance Policy were modified in FY00. The Agency is working to expand the use of the Audit Policy through aggressive outreach to specific sectors. In FY01 the performance measure was modified to reach settlements with 500 facilities to voluntarily self-disclose and correct violations. This same measure has been carried continued.

Regulated Communities

In 2003 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to support small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2002 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to support small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2001 EPA continued to expand the compliance assistance program for the regulated community.

Performance Measures:	FY 2001 Actual	FY 2002 Enacted	FY 2003 Request	Units
EPA will complete 80% of the compliance assistance tools listed in the previous year's compliance Assistance Activity Plan.			80	Percent
50% of recipients of compliance assistance from funded assistance pilot projects will increase their understanding of environmental requirements or facility management practices. (Core optional)			50	Percent
Number of facilities, states, technical assistance providers or other entities reached through targeted compliance assistance (core optional)	550,000	500,000	475,000	Entities
Develop compliance assistance tools listed in the Compliance Assistance Plan.	203	150		Tools

Number of tribally owned/managed entities reached through the Agency's targeted compliance assistance.	249	30	30	entities
70% of survey respondents find the Compliance Assistance Center useful to very useful in helping them understand applicable environmental regulations			70	percent
60% of survey respondents took an action, in whole or in part, due to information found through Center services or resources.			60	percent

Baseline: EPA provides clear and consistent descriptions of regulatory requirements to assure that the community can understand its obligations. EPA supports initiatives targeted toward compliance in specific industrial and commercial sectors or with certain regulatory requirements. Compliance assistance tools range from plain-language guides, fact sheets, checklists and newsletters. New distribution methods include the on-line Clearinghouse. In FY03, EPA is planning to reach 475,000 facilities, states, or technical assistance providers through targeted compliance assistance efforts.

Verification and Validation of Performance Measures

FY2003 Congressional Performance Measure (PM): Facilities voluntarily self-disclose and correct violations with reduced or no penalty as a result of EPA self-disclosure policies.

Performance Database**:** Headquarters manages information on the self-disclosing policies in the DOCKET.

Data Source**:** Headquarters and the Regions enter the information. The data for Docket is generated through the use of the Case Conclusion Data Sheet (CCDS), which is prepared by Agency staff after the conclusion of each criminal and civil (judicial and administrative) enforcement action. The CCDS was implemented by EPA in 1996 and captures the relevant information on the results and environmental benefits of the concluded enforcement cases. Docket was modified to collect information on the self-disclosing policies.

QA/QC Procedures**:** Procedures are in place for both the CCDS and for Docket entry. There are separate CCDS Calculation and Completion Checklist required to be filled out at the time the CCDS is completed.

Data Quality Review**:** Information contained in the CCDS and Docket are reviewed by Regional and Headquarters staff for completeness and accuracy.

Data Limitations**:** None

New & Improved Data or Systems**:** Docket is now collecting information on the self-disclosing policies after it was modified. These policies were tracked in Docket beginning in FY 2000.

FY 2003 Congressional Performance Measure (PM): Number of facilities, states, technical assistance providers or other entities reached through targeted compliance assistance.

Performance Database**:** Headquarters manages data on the number of entities reached through targeted compliance assistance in the Reporting Compliance Assistance Tracking System (RCATS).

Data source**:** Headquarters and the Regions enter information in RCATS upon completion and delivery of media and sector-specific compliance assistance including workshops, training, on-site visits and distribution of compliance assistance tools. RCATS is designed to capture outcome measurement information such as increased awareness/understanding of environmental laws, changes in behavior and environmental improvements as a result of the compliance assistance provided.

QA/QC: Automated data checks and data entry guidelines are in place for RCATS.

Data Quality Review**:** Information contained in the RCATS are reviewed by Regional and Headquarters staff for completeness and accuracy.

Data Limitations**:** None

New & Improved Data or Systems**:** N/A

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)
Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)
Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)
Safe Drinking Water Act section 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)
Clean Air Act section 113, 114, 303, and 309 (42 U.S.C. 7413, 7414, 7603, 7609)
Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)
Emergency Planning and Community Right-to-Know Act section 325 and 326 (42 U.S.C. 11045, 11046)
Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)
Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)
National Environmental Policy Act (NEPA)
Antarctic Science, Tourism, and Conservation Act (ASTCA)
Endangered Species Act (ESA)
National Environmental Policy Act (NEPA)
Antarctic Science, Tourism, and Conservation Act (ASTCA)
Endangered Species Act (ESA)
National Historic Preservation Act (NHPA)