

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

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

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

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

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

d. *Lead Action Plan*

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

4. FY 2020-2023 National Compliance Initiatives

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

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

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

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

b. Reducing Hazardous Air Emissions from Hazardous Waste Facilities

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

c. Stopping Aftermarket Defeat Devices for Vehicles and Engines

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

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

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

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

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

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

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

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

C. Key Programmatic Activities

1. Cross Program Activities

a. Compliance Monitoring Strategies

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

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

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

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

b. Data Reporting

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

c. Tips and Complaints

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

d. Environmental Justice

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

e. *State Review Framework*

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

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

EPA Activities

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

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

EPA Activities

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

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

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

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

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

g. Compliance and Enforcement in Indian Country

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

EPA Activities

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

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

⁶ See Section II.A Tribal Government Collaboration.

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

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

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

2. Statute/Program-specific Activities

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

CAA Stationary Source Program

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

General EPA Activities in the CAA Stationary Source Program

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

civil/criminal enforcement actions as appropriate.

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

CAA Title II, Vehicle and Engine Enforcement

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

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

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

CAA 112(r) Chemical Accident Prevention Program

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

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

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

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

NPDES

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

General EPA Activities in the NPDES Program

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

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

CWA Section 404 Discharge of Dredge and Fill Material

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

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

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

CWA Section 311 Oil Pollution Act

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

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

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

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

SDWA Public Water Systems (PWSs)

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

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

General EPA Activities in the SDWA PWSs Program

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

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

SDWA Underground Injection Control (UIC) Program

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

General EPA Activities in the SDWA UIC Program

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

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

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

General EPA Activities in the CERCLA Program

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

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

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

RCRA Subtitle C and D Programs

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

General EPA Activities in the RCRA Subtitle C and D Programs

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

RCRA Underground Storage Tank (UST) Subtitle I Program

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

General EPA Activities in the RCRA UST Subtitle I Program

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

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

TSCA Lead Risk Reduction Program

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

General EPA Activities in the TSCA Lead Risk Reduction Program

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

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

Activities Where the EPA is Directly Implementing the Program

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

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

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

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

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

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

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

TSCA New and Existing (Core TSCA) Chemicals Programs

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

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

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

Activities Where the EPA is Directly Implementing the Program

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

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

TSCA PCB Program

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

General EPA Activities in the TSCA PCB Program

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

Activities Where the EPA is Directly Implementing the Program

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

General EPA Activities in the Criminal Enforcement Program

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

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

The Office of Criminal Enforcement, Forensics and Training will:

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

SECTION III. FLEXIBILITY AND GRANT PLANNING

A. FIFRA Cooperative Agreement Guidance

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

B. TSCA Compliance Monitoring Grant Guidance

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

C. National Environmental Performance Partnership System (NEPPS)

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

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

SECTION IV. FY 2020 NATIONAL PROGRAM MEASURES

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

SECTION V. KEY CONTACTS

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

Office of Enforcement and Compliance Assurance

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