



OFFICE OF LAND AND EMERGENCY MANAGEMENT

FY 2020-2021 National Program Guidance

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SECTION I. INTRODUCTION

The Office of Land and Emergency Management (OLEM) is the national program manager for a variety of land-based programs. OLEM is responsible for the Superfund Removal and Remedial programs, the Resource Conservation and Recovery Act program, the Brownfields program, the Underground Storage Tank program, the Emergency Response and Management program and the Federal Facility Oversight program. OLEM also collaborates with other agency programs on cross-media issues to address environmental concerns as One EPA. Additional information concerning agency-wide practices, including discussions with state, tribal and territorial partners to identify priorities¹, and applicable requirements critical to implementing EPA's environmental programs is described in the EPA's Overview to the National Program Guidances (NPG).²

OLEM is engaged in several agencywide efforts to improve business practices. In 2017, EPA convened a Superfund Task Force that identified 42 recommendations to streamline and improve the Superfund process. EPA has implemented 43% of the recommendations and expects to finalize all the remaining recommendations by July 2019. During fiscal years 2020-2021, OLEM will focus on institutionalizing and advancing these practices to help communities clean up and revitalize once-productive properties. More broadly, OLEM will continue to seek process improvements, eliminate waste and find efficiencies across its programs through focused kaizen events and as part of the agencywide deployment of the Environmental Lean Management System (ELMS).³

In recent months, EPA has partnered with other federal agencies, states, tribes, and local communities to address per- and polyfluoroalkyl substances (PFAS); a group of potentially harmful man-made chemicals that includes PFOA, PFOS, GenX, and many other chemicals. Demonstrating critical national leadership, EPA has developed a PFAS Action Plan⁴ that utilizes a multi-faceted, cross-program approach providing strategies to address this emerging environmental challenge. Under the plan, OLEM has initiated the regulatory development process to propose designating PFOA and PFOS as hazardous substances and is developing groundwater cleanup recommendations for PFOA and PFOS at contaminated sites.

OLEM works together with the other EPA headquarters media program offices and with the ten EPA regional offices, states, tribes and other partners to achieve its national goals. Regional offices also undertake efforts with our partners to address region-specific environmental conditions or concerns. OLEM recognizes these challenges and strives to provide flexibility and support for regional strategies that align with our shared priorities and goals.

¹ In developing this guidance, OLEM carefully reviewed and considered the state, tribal, and territory priorities identified through the Regional Administrator-led early engagement process.

² For additional background, please refer to [EPA's Overview to the FY 2020-2021 National Program Manager's \(NPM\) Guidances](#).

³ The [EPA's Office of Continuous Improvement](#) coordinates agencywide implementation of the ELMS.

⁴ For additional information, please see [EPA's Per- and Polyfluoroalkyl Substances \(PFAS\) Action Plan](#).

Further, delegated or authorized state and tribal agencies may raise specific activities for discussion with the appropriate senior EPA regional manager(s) when developing their grant work plans. Regions are encouraged to work with states where E-Enterprise strategies could streamline business processes and develop shared services using joint governance to generate efficiencies. The appropriate OLEM Office Director will be ready to assist should regional management wish to discuss state, tribal or local issues.⁵

⁵ For more information about seeking programmatic flexibility within Performance Partnership Grants, and the benefits of these grants generally, please see [EPA's Best Practices Guide for Performance Partnership Grants with States](#).

SECTION II. Strategic Plan Implementation

A. Implementing Long-Term Performance Goals

Making Additional Superfund Sites Ready for Anticipated Use (RAU)

The Superfund program protects human health and the environment while strengthening and revitalizing communities by returning formerly contaminated land to productive use. The program's long-term performance goal in the FY 2018-2022 EPA Strategic Plan is to make 255 additional Superfund sites RAU site-wide. This measure reflects the importance of considering future land use as part of the cleanup process and promoting the reuse and restoration of Superfund sites. OLEM's Superfund Remedial, Federal Facilities Restoration and Reuse and Emergency Response and Removal programs each contribute toward this goal.

One of the agency's top priorities is accelerating progress on Superfund sites. As such, the agency convened the Superfund Task Force to streamline and improve the Superfund process by working toward improving and expediting site cleanups and promoting redevelopment. In FYs 2020-2021, the program will focus on institutionalizing Superfund Task Force recommendations to accelerate site cleanup and continue to make the program more effective and efficient. These core mission responsibilities include engaging with state, local and tribal partners; and creating sensible regulations that enhance economic growth.

Superfund Remedial

The Superfund Remedial program addresses many of the worst contaminated areas in the United States by conducting assessment and investigation activities to determine which areas warrant cleanup. Once it determines an area merits federal cleanup activity, the program implements actions based on sound science and informed remedy decisions. Using either its non-time critical removal authority or its long-term remedial authority, the program's actions can range from a few months for relatively straightforward soil excavation or capping remedies to several decades for complex, large areawide groundwater, sediment or mining remedies. The Remedial program also oversees response work conducted by potentially responsible parties (PRPs) at National Priorities List (NPL) sites and at sites with Superfund Alternative Agreements (SAA). By addressing the risks Superfund sites pose, the Superfund Remedial program protects human health and the environment while strengthening and revitalizing communities by returning formerly contaminated land to them for productive use.

Superfund Remedial program priorities in FY2020-2021 are to:

- Protect human health and the environment;
- Clean up sites to enable uses that support communities;
- Leverage resources to maximize and accelerate site cleanup;
- Develop an agile workforce skilled in project management, acquisition, construction oversight, and adaptive management;

- Leverage and integrate new technology to support program goals;
- Integrate EPA's Lean Management System (ELMS) into program management to streamline business operations; and
- Strengthen partnerships and community engagement.

Headquarters and Regions

Protect Human Health and the Environment

- Incorporate new science and, as appropriate, address emerging contaminants, such as per- and poly-fluoroalkyl substances (PFAS), by supporting agencywide efforts to develop risk assessment, management and communication tools for such contaminants, including the development of in-situ remediation treatment options for emerging contaminants that present off-site disposal challenges. In particular, assess nature and extent of PFAS contamination and other contaminants of concern at NPL sites where these chemicals are most likely to be found and work in coordination with others at EPA and other federal agencies to identify effective remediation technologies for these contaminants.
- Accelerate site cleanup with a focus on achieving the Site-Wide Ready for Anticipated Use (SWRAU) milestone and NPL site deletions or partial deletions to support reuse.
- Expeditiously respond to sites where human exposure is not under control or there are insufficient data to make a control determination.
- Identify issues and/or obstacles for sites with project durations that are twice the national average and develop strategies to decrease those durations and accelerate site cleanup.
- Promote the application of adaptive management, optimization and early actions at complex sites.
- Ensure remedy protectiveness through effective and consistent implementation of the five-year review process.
- Develop nationally consistent approaches for addressing lead and trichloroethylene (TCE) exposure.

Clean up Sites to Enable Uses that Support Communities

- Identify site redevelopment opportunities early in the Superfund process and strive to achieve faster cleanups through the application of best practices within regional Superfund programs.
- Encourage innovation throughout the cleanup process to bring sites into productive reuse.
- Support the goals of EPA's strategic measures by building SWRAU process capacity among Remedial Project Managers (RPMs) throughout the program.
- Work with key stakeholders on good samaritan mining-related demonstration projects.
- Leverage cross-program land revitalization expertise.

Leverage Resources to Maximize and Accelerate Site Cleanup

- Coordinate with the Office of Site Remediation Enforcement on enforcement and financial assurance efforts, such as: maintaining focused enforcement efforts to compel PRP participation earlier in the response process; holding parties accountable to timeframes and commitments; identifying responsible parties earlier in the process; looking for opportunities to reduce the level of oversight for cooperating PRPs remediating contaminated sites; and encouraging private investment.

- Include in settlements the retention and use of payments in special accounts, when appropriate, and maximize their use to conserve appropriated resources.
- Utilize:
 - A range of approaches for financing site cleanups, including alternative and non-traditional approaches; and
 - Project management practices, such as creating both cost and schedule baselines, to ensure timely project completion.
- Optimize data collection and statistical analysis efforts to integrate cross-program data collection and analysis efforts to inform site characterization, cleanup decisions and implementation, and to reduce operation and maintenance uncertainties.
- Identify work-sharing opportunities across regions and headquarters to achieve common Superfund remedial goals and to create efficiencies.

Workforce Deployment

- Train program staff to:
 - Effectively utilize EPA-placed contracts under the Remedial Acquisition Framework (RAF); and
 - Apply the latest tools and technology, program management techniques, lean six sigma, and other means to streamline cleanups and effectively communicate with stakeholders.
- Develop national expertise/support for construction project cost estimating and oversight.
- Conduct a skill-gap analysis to identify both workforce needs and additional training opportunities; upon completing the analysis, develop an action plan to fill the gaps.

Leverage and Integrate New Technology

- Advance and support tools to improve conceptual site models to help RPMs make decisions.
- Identify, assess and apply remedial technologies for site cleanup, especially for mining, sediment, groundwater and other complex sites.
- Expand use of field data collection and assimilation technology to support decision-making.
- Develop tools for RPMs to implement best practices, including scoping and targeted technical reviews, and to utilize innovative and state-of-the-art technologies to expedite cleanup.
- Expand use of E-tools for records management and contract administration.

Integrate ELMS into Program Management to Streamline Business Operations

- Deploy ELMS training to all program staff and managers.
- Identify opportunities to apply lean principles to processes needing improvement.
- Utilize visual management tools, such as performance and process flow boards, to monitor process improvement progress and program priorities.

Strengthen Partnerships and Community Engagement

- Facilitate cross-program collaboration, and continue to closely partner with states, tribes, and local governments to ensure protective and efficient NPL site cleanups.

- Continue to foster strong partnerships with states, tribes, local governments, and other federal agencies on site assessment, risk assessment, remedial responses, community engagement and revitalization.
- Provide for meaningful community involvement through the Superfund remedial and non-time critical response processes at NPL sites and cultivate those contacts for coordination of future reuse/redevelopment opportunities.
- Collaborate with states, tribes, local governments, residents and business groups to enable the integration of site management decisions into long-term community plans for economic growth and reuse. Work with these stakeholders to improve implementation of institutional controls.
- Explore ways to increase web-based public NPL and SAA site data access and make information on NPL sites more accessible to communities and stakeholders.
- Develop and deploy training and tools for clear risk communication.
- Collaborate with cross-program land revitalization offices to support community site reuse visioning/planning.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The following NPG measures support this program: 115, 141, 151, 152, 170, and S10. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 31. Goals and measures for the Superfund Federal Facilities Response program are a component of the Superfund Remedial program's measures.

Superfund Federal Facilities Restoration and Reuse

OLEM's Superfund Federal Facilities Restoration and Reuse program oversees and provides technical assistance for the protective and efficient cleanup and reuse of federal facility sites pursuant to CERCLA Section 120 and as mandated by Congress. Program responsibilities include: 1) inventory and assess potentially contaminated sites; 2) implement protective remedies; 3) facilitate transfer and reuse of property; and 4) ensure ongoing protectiveness of completed cleanups. A program goal is to make federal facility Superfund sites RAU site-wide and to promote the reuse and restoration of these sites.

The program has a close partnership with states, as co-regulators, to ensure progress and protective cleanup solutions at federal facility National Priorities List (NPL) sites. The program also works closely with the other federal agencies (OFAs) to assure efficient use of resources at these NPL sites. The federal facility NPL sites are among the largest in the Superfund program accounting for a large percentage of the annual program cleanup commitments and encompass some of the most dangerous and unique environmental contaminants including munitions, radiological waste and emerging contaminants such as per-and polyfluoralkyl substances (PFAS). To ensure efficiencies and consistent approaches to cleanups, the program also collaborates with OFAs, states, and tribes on national guidance and policy.

Headquarters and Regions

Ensure protective remedies

- Oversee and provide technical assistance for the protective and efficient cleanups through activities such as: 1) reviewing and approving site cleanup documents; 2) participating in site meetings with affected communities; 3) making final remedy selection decisions at NPL sites; and 4) monitoring remediation schedules as outlined in the Federal Facility Agreements (FFAs).
- Prioritize the highest risk sites and focus on activities that bring human exposure and groundwater migration under control.
- Strengthen oversight and provide technical assistance, as appropriate, at Department of Defense (DoD) military munitions response sites on the NPL or of national significance.

Streamline business processes

- Prioritize resources to focus on remedial actions and construction completions to accelerate Site-Wide Ready for Anticipated Reuse (SWRAU) determinations and deletions.
- Work collaboratively with OFAs, state, local and tribal partners to encourage reuse of the sites.
- Collaborate cleanup goals to transfer federal property for reuse or restore the property for beneficial use that supports the core mission of the OFAs.
- Simplify the Operating Properly and Successfully (OPS) review process to expedite the transfer of federal property for redevelopment.

Headquarters

Ensure protective remedies

- Provide direction and technical guidance to support project managers and site personnel on emerging issues such as PFAS and through resources such as the FFRRO Technical Fact Sheets.
- Promote Five-Year Review writer and reviewer training tools to improve technically accurate and timely reviews that meet statutory deadlines.
- Work with DoD on proposed updates to the Munitions and Explosives of Concern Hazard Assessment (MEC HA) tool and consider the need to convene a technical working group to address the updates.

Partnerships

- Enhance engagement with OFAs and states by having regularly-scheduled meetings that focus on targeting and resolving critical programmatic issues, emphasizing protective cleanups, and recognizing site reuse opportunities and successes. EPA, OFAs, and states have committed to early meeting planning and focusing on issues with a problem-solving and action-oriented approach, as part of a Superfund Task Force recommendation.
- Continue to coordinate with national organizations such as The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) which promotes and enhances state and territory involvement in the cleanup and reuse of contaminated federal facilities and facilitates information exchange by and between states, territories, and federal agencies. This includes identifying and researching emerging issues related to state and federal cleanup programs at federal facilities; producing and disseminating resource documents, tools, and working with EPA, DoD, and OFAs on a variety of federal facilities issues and forums.

- Provide technical assistance to communities by issuing Technical Assistance Grants (TAGs), as resources allow.
- Coordinate with OFAs on the Federal Mining Dialogue (FMD). The FMD is a cooperative initiative among federal environmental and land management agencies that provide a national-level forum for federal agencies to identify and discuss lessons learned and technical mining impact issues associated with the cleanup and reuse of abandoned and inactive hard rock mine and mineral processing sites across the country.
- Chair and participate in the Intergovernmental Data Quality Task Force (IDQTF) with DoD and DOE. The IDQTF works to ensure that environmental data are of known and documented quality and suitable for the intended use.

Streamline business processes

- Develop an online document submittal system (ePortal) through E-Enterprise for the Environment. As part of EPA's statutory requirements, the program maintains the Federal Facility Hazardous Waste Compliance Docket (Docket) which is a list of facilities that manage hazardous waste or from which hazardous substances, pollutants or contaminants have been or may be released. As such, federal agencies are required to submit Site Assessment Reports when they have a facility on the Docket. ePortal is being developed for EPA, OFAs, states and tribes to more efficiently submit, track, organize and view these reports.
- Provide a Federal Facility Remedial Project Manager (RPM) training program to improve the skill set necessary for project managers from various federal, state, and tribal agencies to effectively manage the cleanup of federal facility superfund sites, strengthen relationships across agencies, and increase understanding of regulations and policies.
- Utilize a set of tools and a policy to reinforce adherence to informal and formal dispute timelines in Federal Facility Agreements (FFAs) at NPL federal facility sites as part of a Superfund Task Force recommendation. The tools include an informal dispute tracking spreadsheet, which will supplement existing EPA Headquarters tracking of formal disputes, and an audit tool that captures postponed cleanup milestones. The policy, which is framed as a set of principles, outlines key themes for FFA parties, including the states, OFAs, and EPA, to reinforce adherence to FFA dispute timelines.
- Improve and expand the FEDFacts website. FEDFacts serves as a public-facing online tool that features over 2,300 federal agency Docket sites.
- Continue to implement and improve a modernized business model for managing FTE that enables the sharing of resources such that FTE can be physically located in any region but virtually organized to accommodate workload. This model can enable the rapid deployment of qualified/expert personnel to assist regions in meeting priority goals and statutory requirements.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The Superfund Federal Facilities Response and Reuse program contributes to the following overall Superfund NPG measures in BFS: 122, 131, 141, 151, 152 and S10. The program also tracks

measure FF1, “Percent Construction Complete.” This Percent Construction Complete measure provides a more detailed view of site cleanup progress at federal facility sites on the NPL. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 31.

Emergency Response and Removal

The Superfund Emergency Response and Removal program’s priority is to eliminate immediate threats to the public and the environment with an emphasis on emergency actions. Resources ensure that releases of hazardous substances, pollutants and contaminants, including chemical, biological, and radiological agents, to the environment are quickly addressed through either a federal lead action or by providing technical support and oversight to state, local, tribal, other federal responders, and PRPs.

Headquarters and Regions

- Support interagency work with the National Response Team and Regional Response Teams as well as state, tribal and local partners. This work includes participation in drills and exercises and the development of guidance and other materials such as After-Action Reports following significant disaster responses. This coordination will enhance future emergency activities for an efficient response.

Headquarters

- Support the agency’s Continuity of Operations Plan (COOP). This includes COOP deployment, devolution, and activation of Emergency Relocation Group personnel to the COOP site with limited staffing and without access to the full range of resources available during normal activities. This ensures that agency continuity plans meet Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) requirements.

Regions

- Ensure through Superfund removal actions that the most serious public health and environmental threats including emergency responses are addressed quickly. These releases pose an imminent threat to human health, welfare, and the environment, potentially affecting both communities and the surrounding environments.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The NPG measure 137 supports this program and it can be found in Section IV, FY 2020 National Program Guidance Measures, on page 31.

Making Additional Brownfields Sites RAU

The EPA's Brownfields and Land Revitalization program emphasizes environmental and public health protection in a manner that stimulates economic development and job creation. The program supports these efforts by awarding cooperative agreements and providing technical assistance to states, tribes, local communities, and other stakeholders to work together to plan, inventory, assess, safely cleanup, and reuse brownfields. The FY 2018-2022 long-term performance goal for the Brownfields program is to make 3,240 additional brownfields sites RAU.

Headquarters and Regions

Technical Assistance and Land Revitalization Program Support

- Provide technical assistance to states, tribes, and local communities in the form of research, training and technical assistance.
- Provide limited support to communities as part of the EPA's Land Revitalization program which works with communities in their efforts to restore contaminated lands into sustainable community assets.

Continued collaboration with State, Tribal and Local Partners

- Continue to develop guidance and tools that clarify potential environmental cleanup liabilities, thereby providing greater certainty for parties seeking to reuse brownfields properties.
- Provide direct support to parties seeking to reuse contaminated properties to facilitate transactions.

Implementation of the Build Act

- Develop guidance and outreach materials alerting communities to changes in the Brownfields program resulting from the 2018 BUILD Act. Implement the newly established Multipurpose Grant Program, and the Small Technical Assistance Grant Program for small and disadvantaged communities.

Compete and Award New Cooperative Agreements

- Develop and manage annual competitions for six distinct cooperative agreement programs.
- Develop and manage annual non-competitive cooperative agreement program.

Oversight and Management of Existing Cooperative Agreements

- Continue the federal fiduciary responsibility of managing approximately 900 existing brownfields cooperative agreements.
- Provide oversight to existing grantees.

Accomplishment Tracking through the Assessment, Cleanup and Redevelopment Exchange System (ACRES)

- Support the maintenance of the ACRES online grantee reporting tool, enabling grantees to track accomplishments and report on the number of sites assessed and cleaned up, and the amount of dollars and jobs leveraged with brownfields grants.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The following NPG measures support this program: B29, B30, B32, B33, B34 and B37. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on pages 31-32.

Making Additional RCRA Corrective Action Facilities RAU

The EPA's Resource Conservation and Recovery (RCRA) program emphasizes environmental and public health protection in a manner that supports economic development and job creation. The program supports the long-term performance goal by implementing a protective cradle-to-grave system for the management of hazardous wastes. In doing so, the program ensures the safe generation, transportation, storage, treatment, disposal and clean up of toxic and harmful constituents in hazardous wastes. EPA works closely with delegated state programs to ensure proper management and cleanup, which results in reduced liability and economic opportunities for industry and businesses.

One of the key indicators of the program's success is the number of additional RCRA facilities determined to be RAU. EPA tracks this indicator through its FY 2018-2022 long-term performance goal to make 536 additional RCRA hazardous waste management facilities RAU. RCRA corrective action supports the goal by ensuring that RCRA facilities clean up hazardous releases into soil, groundwater, surface water, and air. The comprehensive RCRA cradle-to-grave regulations and cleanup requirements prevent additional contamination and provide opportunities for facilities ready for anticipated use to expand or put land into new productive uses.

Protecting Communities through Permitting or other Controls

The RCRA and TSCA polychlorinated biphenyl (PCB) permitting and approval programs protect people and ecosystems from exposure to dangerous wastes and chemicals. EPA primarily provides support to states and other stakeholders to develop and implement solid and hazardous waste management programs. EPA directly implements the PCB approval program. Both the RCRA and TSCA PCB permitting and approval programs are subject to the agency's strategic plan measure to reach all commercial permitting decisions within six months. The agency also uses annual performance goals to track performance of the permitting programs.

Headquarters

- Support Objective 3.4 in the FY 2018-2022 EPA Strategic Plan to issue permits more quickly and modernize our permitting and reporting systems.
- Oversee and support progress toward preventing releases at hazardous waste management and PCB management facilities with initial approved controls or updated controls through targeted technical/programmatic assistance and coordination activities.
- Oversee and support progress toward ensuring permitted facilities have updated permits through permit renewals and the permit conditions are maintained as needed through modifications.
- Facilitate progress toward ensuring that initial control baseline units will be permitted, clean-closed or have other approved controls in place.
- Track program performance through established measures for RCRA and PCB permitting.
- Engage with our regional and state partners on high priority issues that arise during the permitting process.

- Maintain and improve functionality in RCRAInfo to capture information in this key program area, including for RCRA permit modifications and financial assurance tracking.
- Support a collaborative headquarters, regional, and state effort to maintain and improve data accuracy and completeness of data in RCRAInfo to ensure effective management of both the RCRA and PCB permitting programs, including financial assurance.
- Support upcoming collaborative efforts to develop best practices, guidance, or other deliverables to improve RCRA and PCB financial assurance program management.
- Explore ways to better manage certain explosive and energetic wastes and reduce contamination from open burning and open detonation operations. This includes assessing alternative technologies and evaluating environmental contamination at open burning/open detonation sites.
- Gather national incident data at both RCRA and TSCA PCB treatment, storage, and disposal facilities.
- Provide limited technical support to regions and states for high priority work to support state authorization for new RCRA Subtitle C rules so they can be addressed in permits and other implementation mechanisms.
- Work with National Authorization Workgroup and states on program to reduce burden for state authorization process.
- Lead workgroup/effort to support revisions to the allocation formula for the RCRA Hazardous Waste State Grant.
- Issue protective, timely PCB approvals for PCB disposal activities that affect more than one region, such as mobile treatment units. This subset of PCB approvals is issued by EPA headquarters, while the majority of approvals are issued by the regions.
- Streamline the application and approval process for thermal and non-thermal PCB treatment technologies by issuing the PCB Applicant's Guidance in FY 2020.
- Complete rulemaking to maintain PCB regulations, including amending PCB extraction regulations.

Regions

- Support Objective 3.4 in the FY 2018-2022 EPA Strategic Plan to issue permits more quickly, while maintaining or improving the protectiveness of permits.
- Issue and maintain PCB approvals for waste facilities as appropriate to meet the program's permitting measure goals.
- Engage with headquarters to identify, prioritize, and resolve high-priority issues in the PCB approval program.
- Ensure all RCRAInfo mandatory data elements for the PCB approval database are maintained.
- Forward incident reports from PCB-approved storage and disposal facilities to ORCRAIncidentTracking@epa.gov.
- Safeguard hard-copy financial instruments using best practices, including storage in a fireproof safe.

Regions and States

- Support Objective 3.4 in the FY 2018-2022 EPA Strategic Plan to issue permits more quickly, while maintaining or improving the protectiveness of permits.

- Issue (or deny, as appropriate) and maintain RCRA permits and other approved controls, for waste facilities, to meet the program’s permitting goals.
- Track and facilitate permitting progress for RCRA interim status and operating facilities.
- Engage with our regional and state partners on high priority issues that arise during the permitting process.
- Communicate and support RCRA training for regional and state staff.
- Ensure all RCRAInfo mandatory data elements are maintained within negotiated timeframes for permitting and financial assurance. Specifically, keep the following data elements updated that support BFS measures: permit determinations, permit expiration dates, permit mod approvals, and legal & operating status codes.
- Forward incident reports from RCRA treatment, storage, and disposal facilities to ORCRIncidentTracking@epa.gov. Incident reports, written by the facility and submitted to regulators, are required when the contingency plan is triggered, which is “...whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment” (40 CFR 264.51(b)).
- Safeguard hard-copy financial instruments using best practices, including storage in a fireproof safe.
- Facilitate state adoption and authorization for RCRA regulations to reduce need for joint permitting between EPA regional offices and states. This includes, for example, RCRA air emissions and corrective action regulations.

Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The NPG measures supporting this program are PC1, PC3, HW4, and HW5. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 32. In addition, the program tracks the non-commitment indicators HW2 and HW3.

Cleaning Up Contaminated Sites and Promoting Reuse

The RCRA corrective action and TSCA polychlorinated biphenyl (PCB) programs are responsible for ensuring that contamination at facilities is identified and cleaned up by the responsible party (owner or operator) effectively and quickly to reduce risk from exposure to toxics, return contaminated property to productive use, and ensure that cleanup costs are not transferred to the largely taxpayer-funded Superfund cleanup program. The EPA and its state partners work closely together to facilitate cleanups, ensure that future use is protective of human health and the environment, and encourage reuse and redevelopment.

Headquarters

- Oversee the national RCRA Corrective Action and PCB cleanup programs to oversee responsible party cleanup of contamination at facilities to protect human health and the environment and to facilitate reuse and redevelopment.
- In partnership with the regions, manage the cleanup programs by developing and implementing performance measures, tracking, and adjusting targets, workload, and resources to maximize progress on cleanups.
- Provide leadership and facilitate communication and collaboration across both RCRA and PCB cleanup programs with regions and states to ensure national consistency, protectiveness, effective program management, effective oversight of responsible party cleanup activity, training and technical support for program staff.
- Collaborate with the regions to ensure that priority issues of emerging science are addressed appropriately and consistently in the RCRA and PCB cleanup programs. We will distribute new scientific information, implement new policies and procedures, and provide technical assistance and training, as resources allow.
- For the PCB program, manage an effective and efficient nationwide cleanup program and issue approvals for high priority PCB cleanup activities in multiple regions. OLEM will collaborate with regions and states to develop and maintain staff program and technical expertise.

Headquarters and Regions

- For RCRA Corrective Action, lead and collaborate with states to achieve progress toward the FY 2018-2022 long-term performance goal of making 536 additional RCRA Corrective Action facilities RAU. EPA will develop and lead collaborative implementation with the states of strategies to achieve the RAU Goal.
- Lead and collaborate with states to achieve RCRA cleanup targets for the Corrective Action measures of: 1) human exposures under control, 2) migration of contaminated groundwater under control, 3) remedy construction, and 4) cleanup complete.
- Through FY 2020, lead implementation of the RCRA Corrective Action program toward the 2020 performance goals for 2020 baseline facilities.
- Lead the program in assessing the universe of facilities subject to RCRA Corrective Action and identifying new goals for assessment and cleanup of contamination at additional facilities, as appropriate and resources allow.
- Develop and implement approaches for high priority actions to overcome barriers to cleanup progress, such as complex technical groundwater issues, complex federal facility cleanups, and issues requiring strategic enforcement.⁶
- Lead and support implementation, as appropriate, of Lean tools developed to improve and speed cleanups, including RCRA FIRST (Facility Investigation Remedy Selection Track) and PCB FAST (Facility Approval Streamlining Toolbox).
- Lead implementation of Long Term Stewardship approaches identified through collaboration with states for future protection of human health and the environment where contamination remains in place at RCRA Corrective Action cleanups.

⁶ NESCA, the National Enforcement Strategy for Corrective Action can be found at <http://www2.epa.gov/sites/production/files/documents/nesca-strategy-mem.pdf>

- Facilitate mechanisms for collaboration across the programs to identify barriers, share best management practices, and resolve issues toward completing high priority cleanups.
- Implement oversight at priority RCRA Corrective Action actions in states that are not authorized and on tribal lands. EPA will implement priority aspects of the PCB cleanup program, which is not delegated to states. EPA will continue coordination of TSCA PCB cleanups with RCRA, Superfund and state cleanups.

Regions and States

- Collaborate to achieve progress toward the FY 2018-2022 long-term performance goal of making 536 additional RCRA Corrective Action facilities RAU. EPA regional offices and states will collaboratively implement strategies identified to achieve the RAU Goal.
- Collaborate to achieve RCRA cleanup targets for the Corrective Action performance measures of: 1) human exposures under control, 2) migration of contaminated groundwater under control, 3) remedy construction, and 4) cleanup complete.
- Collaborate in implementing the national RCRA Corrective Action program to clean up contamination at RCRA facilities. EPA regional offices will work with states to authorize state programs or utilize work-share agreements to facilitate state-lead implementation.
- Regions will provide leadership and facilitate collaboration with states in the region to ensure regional consistency, support states in developing and maintaining technical and program expertise, provide expert technical assistance to support states implementing effective and efficient cleanups, and support states in effective and efficient program management, measurement and tracking, and recordkeeping.
- Conduct effective data collection and management; report and document mandatory nationally-required data elements, including cleanup milestones and RAU (i.e., FY 2018-2022 EPA long-term performance goal).
- As appropriate, implement process efficiency tools developed using Lean to improve and speed up cleanups (including RCRA FIRST and PCB FAST).
- Regions will collaborate with states to ensure that issues of emerging science are addressed appropriately and consistently in the RCRA and PCB cleanup programs.
- In FY 2020, regions will engage states in maximizing progress toward the near-term FY 2020 performance goals, in assessing the universe of facilities subject to RCRA Corrective Action, and in identifying new goals for assessment and cleanup of contamination at additional facilities as appropriate and resources allow.
- Regions will review and issue PCB cleanup/disposal approvals as required under 40 CFR Part 761, addressing technical issues with applicants and coordinating with states.

Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The NPG measures supporting this program are CA1RC, CA2, CA5, CA6, RSRAU, PC1 and PC3. BFS measure code CA5 was changed to CA5RC beginning in FY 2019 to report numbers rather than

percentages. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 32.

Protecting Communities Through RCRA Regulatory and Guidance Actions

Although the EPA has a comprehensive regulatory framework in place to prevent exposures to contaminants from municipal solid waste and hazardous wastes, and is constantly working to keep that framework current, there are always new areas of concern or potential concern that need to be assessed. New technologies, such as nanotechnology or biotechnology, and new organic and inorganic chemicals have emerged and present additional challenges to the RCRA program. The RCRA regulations further provide a structure to safely manage the additional, and often more concentrated, pollutants being removed from our air and water by current advances in environmental pollution controls. Thus, there are potential gaps in the RCRA regulations that could impact the level of protection they provide. Some of these gaps are identified through petitions for regulatory amendments.

In fiscal years 2020-2021, EPA, through OLEM and the Office of Resource Conservation and Recovery (ORCR), will develop and implement key high priority rules and guidances to advance RCRA's environmental objectives. ORCR will continue to coordinate with other headquarters offices (e.g., OECA and OGC), as appropriate. ORCR will implement, working with our state and tribal partners, the Coal Combustion Residuals- (CCR) related provisions of the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act). Regions also have an important role in the development and implementation of rules, guidances, and the WIIN Act.

In FY 2020, EPA, through OLEM will continue to implement the hazardous waste import/export notice and consent program. EPA headquarters, working with the regions and other governments, as appropriate, will focus on streamlining and improving the process and will plan for and develop improvements to the Waste Import/Export Tracking System (WIETS).

Headquarters

- Lead national rulemaking and guidance development efforts for priority work.
- Explore and document methods for engaging communities during the regulation and guidance development process.
- Integrate Environmental Justice (EJ) principles into its programmatic and regional decision-making using rulemaking, policy, screening and legal tools.
- After regulations are promulgated or guidance issued, OLEM will provide limited guidance, national direction and training, as appropriate and resources allow.
- Serve as the U.S. competent authority for hazardous waste imports and exports; improve efficiency of the process and develop improvements to the WIETS system.

Regions, States and Tribes

- Provide comments during the rule and guidance development process, that reflect insights developed from implementation experience.
- Provide direct rule implementation if that authority is granted by the rulemaking or new

statutory authority (specifically under the WIIN Act, EPA implements the CCR permit program on tribal lands).

- After rule promulgation, regions, working with OLEM as appropriate, should provide technical assistance to both state implementers and the regulated community, including direct assistance and training.
- Work closely with our state partners to ensure the CCR-related provisions of the WIIN Act are appropriately implemented by states.
- Make state authorization for new (and certain existing) RCRA regulations a priority; regions should also make approval of state CCR permit programs a priority. During these processes, regions should raise any technical and authorization process issues to headquarters for a prompt response.
- Review hazardous waste import notices and provide recommendations for consent or objection in accord with established timeframes. Work with headquarters on improving efficiency and responsiveness of the notice and consent process.

Implementing Recent Final Rules

Headquarters

- In FY 2020, OLEM will perform limited priority outreach, training, and assistance to states implementing substantive final RCRA rules promulgated since FY 2015 (e.g., Pharmaceuticals, Airbag Interim Final Rule, Non-Hazardous Secondary Materials, or NHSM; Definition of Solid Waste, or DSW; Hazardous Waste Generator Improvements; Import/Export Revision).
- Substantive changes to the RCRA regulations require greater assistance to states, who are ultimately responsible for implementing most RCRA regulations. This process can take 2-3 years depending on effective dates and whether state adoption requires state legislative changes.

Regions

In FY 2020, EPA regional offices will be involved in implementing, and/or assisting states in adopting and implementing, recently promulgated final RCRA rules:

- Assist OLEM in identifying and resolving issues related to the Import/Export requirements;
- Support OLEM in helping states to adopt the revisions to, and seek guidance on implementing, the DSW final rule including working with states on additional activities designed to improve and increase hazardous secondary material recycling;
- Support OLEM in responding to petitions submitted for categorical non-waste determinations under the NHSM rule, either by direct response or by working with OLEM on any multi-regional response;
- Support OLEM in assisting states to adopt the revisions to, and seek guidance on implementing, the Generator Improvements final rule including working closely with their generator and transporter communities on e-manifest implementation.
- Support OLEM in assisting states to adopt the revisions to, and seek guidance on implementing, the Pharmaceuticals Final Rule and the Airbag Interim Final Rule.
- Continue participating on workgroups, timely raising issues to HQ for resolution, and participating in the development and implementation of rules and guidances.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Implementation of the WIIN Act/ CCR Disposal Rule

Headquarters

- In FY 2020, OLEM working with tribes, states and regions, will develop needed guidance and tools to implement the WIIN Act. In December 2016, Congress passed, and the President signed, the WIIN Act, which:
 - Provides states the ability to develop CCR permit programs and submit them to the EPA for approval;
 - Requires EPA to implement a permit program on Indian lands; and
 - Enables EPA to use its information gathering and enforcement authorities.
- In FY 2020, OLEM will continue to be engaged in extensive outreach and interaction with the regions, states and tribes on implementing the 2015 CCR final rule.
- In FY 2020, EPA will likely finalize regulation(s) in response to the WIIN Act and to legal challenges to the 2015 and 2018 CCR final rules.

Regions

- Provide comments during the CCR rule and CCR permit program approval guidance development process, that reflect insights developed from implementation experience.
- In FY 2020, the regions will support OLEM in review and approval of state CCR permit programs.
- In FY 2020, the regions will support OLEM on implementing the CCR final rule through oversight and monitoring facility compliance activities at CCR disposal sites.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

CERCLA Section 108(b) Financial Responsibility

Headquarters

- Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, directs EPA to develop regulations requiring classes of facilities to maintain financial responsibility for risks from releases of hazardous substances.
- In January of 2018, based on a 2017 proposed rule and public comments on that proposal, EPA decided not to issue final regulations applicable to the hardrock mining industry because EPA determined that requirements are not appropriate.
- Under a series of court-ordered deadlines through 2024, EPA will conduct rulemaking to address financial responsibility under CERCLA for classes of facilities in three identified industries: Electric Power Generation, Transmission, and Distribution (NAICS 2211), Petroleum and Coal Products Manufacturing (NAICS 324), and Chemical Manufacturing (NAICS 325).

Regions, States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

E-Manifest System

On October 5, 2012, the President signed the Hazardous Waste Electronic Manifest Establishment Act authorizing a fee-funded electronic reporting program for entities transporting hazardous wastes that are regulated pursuant to the Resource Conservation and Recovery Act (RCRA). On June 30, 2018, e-Manifest deployed with the functionality to submit, edit, and sign manifests through a web application and through a system-to-system data exchange. This effort to streamline and modernize environmental protection remains a flagship project in the state/EPA E-Enterprise initiative. The e-Manifest team will continue to enhance system functionality by working alongside industry, states, and other stakeholders.

E-Manifest impacts states' manifest programs. All manifests are now sent to EPA and the states, in turn, access manifest data via the e-Manifest system. States must adopt and become authorized for e-Manifest final regulations to retain enforcement authority for their manifest programs.

Headquarters

- Work toward greater adoption of fully electronic manifests including clarification of Cross-Media Electronic Reporting Rule (CROMERR) requirements in coordination with OECA and OEI.
- Prepare stakeholders to cease mail-in paper manifests by June 30, 2021.
- Collect user fees through timely invoicing and payment via e-Manifest. Establish new user fee schedule by July 1 of each odd-numbered year.
- Enhance e-Manifest system functionality, including extensive system testing and frequent outreach to both industry and state users of the system to ensure functionality meets end user needs.
- Continue engagement with EPA regions, states, industry, and other stakeholders through sustained outreach and multiple communication activities.
- Complete new rulemaking to incorporate export manifests and make other amendments to manifest regulations to more fully utilize e-Manifest.
- Convene the e-Manifest Advisory Board annually to obtain the Board's recommendations and advice on the implementation and functionality of the e-Manifest system.
- Work with states to enable access to e-Manifest data, specifically via the web application or through EPA's application programming interface (API).
- Continue to address user questions on e-Manifest for example, via email, webinars, FAQs, Fact Sheets, and other vehicles.

Regions

- Serve as regional points-of contact for states and industry on e-Manifest program. Assist with e-Manifest implementation and communication and raise issues to EPA headquarters.

- Work in collaboration with states as applicable, and with industry to facilitate user registration, use of electronic manifests, and timely payment by receiving facilities.
- Assist states with authorization for e-Manifest rulemakings.

States

- Set up state access to e-Manifest data, such as through the RCRAInfo web application and/or API and data services.
- Engage in e-Manifest communications, such as webinars and meetings.
- Expand state testing pool to include policy experts to test e-Manifest workflows, user interface, and data quality.
- Engage with generators, transporters, and receiving facilities to encourage user registration for e-Manifest and use of electronic manifests. Raise issues to EPA regional points-of contact.
- Adopt and become authorized for e-Manifest rulemakings (e.g., Uniform Hazardous Waste Manifest Rule, One Year Rule, and User Fee Rule).
- Assist in maintaining list of state-regulated wastes in RCRAInfo and e-Manifest. Assist with communicating e-Manifest to state-only regulated industry stakeholders.

Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Completing Additional LUST Cleanups

The Underground Storage Tank program consists of two parts: The prevention program (referred to here as the UST program) that works to prevent releases, and the cleanup program (referred to here as the LUST program) that works to clean up the contamination from leaks that do occur. Releases of petroleum from underground storage tanks can contaminate groundwater, the drinking water source for many Americans. The program has targeted a long-term performance goal in the FY 2018-2022 EPA Strategic Plan of completing 56,000 additional LUST cleanups.

The UST program helps prevent releases by providing states⁷ and tribes with training, technical assistance and guidance. The EPA is primarily responsible for implementing the UST program in Indian country in partnership with tribes. In Indian country, EPA provides compliance assistance, performs inspections, and takes resulting enforcement actions to address violations. With few exceptions, tribes do not have independent UST program resources.

The LUST program ensures that petroleum contamination is properly assessed and cleaned up. The EPA issues, monitors and oversees leaking underground storage tank cleanup cooperative agreements to states and tribes. The EPA also provides technical assistance and training to states and tribes on how to conduct cleanups and improve the efficiency of state programs. The EPA is primarily responsible for implementing the LUST program in Indian country in partnership with tribes. In Indian country, EPA program oversees cleanups by responsible parties, conducts site assessments, remediates contaminated water and soil, provides alternative sources of drinking water when needed, and takes enforcement action against responsible parties.

Headquarters

Prevention:

- Provide states and tribes with training, technical assistance and guidance.
- Oversee the regions' direct implementation of the program in Indian country, including implementation of the revised UST regulations.
- Perform national analysis of program performance and establish strategic direction to achieve national program goals.

Cleanup:

- Provide technical assistance and training to states and tribes on how to conduct cleanups and improve the efficiency of LUST programs; possibly including: remediation process optimization, rapid site assessment techniques, use of models and other corrective action courses dealing with new and improved cleanup technologies.
- Oversee the regions' direct implementation of the LUST program in Indian country.
- Perform national analysis of program performance and establish strategic direction to achieve national program goals.

⁷ States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

Regions

Prevention:

- Implement a scaled back UST tribal program including: implementing the revised (2015) UST regulations in Indian country, maintaining the 3-year inspection frequency, issuing enforcement actions and assessing penalties as appropriate, compliance assistance, and data management, in accordance with the Tribal Consultation Policy and the Tribal Treaty Rights Guidance.
- Implement post award management of existing LUST Prevention cooperative agreements and STAG grants when closing out prior years' funding.

Cleanup:

- Implement the LUST program in Indian country; including overseeing cleanups by responsible parties, conducting site assessments, remediating contaminated water and soil, providing alternative sources of drinking water when needed, and taking enforcement action against responsible parties.
- Issue, monitor and oversee LUST cleanup cooperative agreements to states and tribes, and implement award and post award management of LUST cleanup cooperative agreements.

Headquarters and Regions

Prevention:

- Provide limited support to citizens/communities with UST issues.
- Provide limited guidance, training and assistance to the UST regulated community to improve understanding and compliance.
- Continue coordination with any states who continue to have UST programs.

Cleanup:

- Work with states and tribes in a reduced capacity to implement strategies to reduce the number of LUST sites that have not reached cleanup completion, and to address new releases as they continue to be confirmed.
- Monitor the soundness of financial mechanisms, particularly insurance and state cleanup funds that serve as financial assurance for LUST releases.
- Collaborate with states to seek ways to cover and control remediation cost.
- Provide more limited support in Indian country for site assessments, investigations, and remediation of high priority sites; enforcement against responsible parties; cleanup of soil and groundwater; alternate water supplies; cost recovery against LUST owners and operators; technical expertise and assistance; response activities; oversight of responsible party lead cleanups; and support and assistance to tribal governments.
- Provide oversight of state LUST programs.

States

Cleanup:

- Perform or oversee site assessments, investigations, and remediation of high priority sites; take enforcement against responsible parties; perform cleanup of soil and groundwater; provide alternate water supplies; pursue cost recovery against LUST owners and operators; provide

technical expertise and assistance; perform response activities; and perform oversight of responsible party lead cleanups.

Tribes

Cleanup:

- Partner with EPA on the implementation of the LUST program in Indian country. Tribes may contribute through a variety of efforts such as; overseeing cleanup activities, taking routine groundwater samples and sending them to EPA for analysis, communicating with impacted community members, etc.

Measures: The NPG measures supporting this program are 112, 113 and 114. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 32.

B. Other Core Work

Chemical Accident Prevention

OLEM's Chemical Accident Prevention program requires more than 12,300 Risk Management Plan (RMP) regulated chemical industrial facilities that use or store chemicals from a list of regulated toxic and flammable substances held above certain threshold quantities to implement an accident prevention program, take emergency response preparedness measures, and develop and submit an RMP. Section 112(r) of the Clean Air Act Amendments requires EPA to publish regulations and guidance for chemical accident prevention at facilities that use certain hazardous substances. These regulations and guidance are contained in the RMP rule.

Headquarters

- Provide RMP inspector training for federal and state inspectors.
- Develop limited updates to the Computer-Aided Management of Emergency Operations (CAMEO) software suite, *i.e.*, the CAMEO Chemicals app, which provides free and publicly available information to first responders on firefighting, first aid and spill response activities.

Regions

- 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 Chemical Accident Risk Reduction 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.
- As appropriate, evaluate facility compliance with EPCRA section 304 and 311/312 and CERCLA section 103 during all RMP inspections.

States and tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The NPG measure supporting this program is CH2. This measure can be found in Section IV, FY 2020 National Program Guidance Measures, on page 31.

Oil Spill Prevention and Response

OLEM's Oil Spill Prevention and Response program protects human health and the environment by preventing, preparing for, responding to, and monitoring inland oil spills and prevention, preparedness and compliance assistance at more than 540,000 regulated non-transportation related oil storage facilities. Additionally, the agency responds to approximately 100 oil spill releases a year.

Headquarters

- Maintain the National Oil and Hazardous Substance Pollution Contingency Plan's Subpart J Product Schedule, which identifies a list of products that may be used to clean oil spills.
- Deliver annual oil spill inspector training and refreshers to federal inspectors.
- Continue to work with the regions on area planning efforts to ensure that responders have access to essential area-specific information when addressing incidents.

Regions

- Focus on prevention and preparedness via inspections of Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) facilities, as defined by the program's high-risk inspection targeting procedures (outlined in the April 2013 memorandum titled, "SPCC and FRP Inspections/Government Initiated Unannounced Exercise (GIUE) Targeting Procedures").
- At least 60% of SPCC inspections nationally should be conducted at high-risk facilities.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

Measures: The NPG measures supporting this program are 437 and 438. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 31.

Tribal Support and Coordination

OLEM is committed to ensuring the protection of human health and the environment in Indian country while supporting tribal self-government, acting consistently with the federal trust responsibility, and strengthening the government-to-government relationship between tribes and the EPA. OLEM supports tribal governments through capacity building, technical and financial assistance, research, outreach, and direct implementation. In addition to the cross-office work listed below, program-specific activities related to tribes are described throughout OLEM's National Program Guidance.

Headquarters and regions

- Work directly with tribes to implement federal environmental programs in Indian country.
- Implement the 2011 EPA Policy on Consultation and Coordination with Indian Tribes, the 2016 Guidance for Discussing Tribal Treaty Rights, as well as the OLEM and the Office of Superfund Remediation and Technology Innovation (OSRTI) January 2017 traditional ecological knowledge memorandums (Considering Traditional Ecological Knowledge During the Cleanup Process and Consideration of Tribal Treaty Rights and Traditional Ecological Knowledge in the Superfund Remedial program).

- Continue to provide outreach materials, training, technical assistance, regulatory action coordination/consultation, and program information to tribes to assist in understanding OLEM's programs and mission.

Headquarters

- OLEM's Office of Communications, Partnerships and Analysis (OCPA) and Office of Resource Conservation and Recovery (ORCR) will coordinate and collaborate with other federal agencies through the Infrastructure Task Force to promote the development and implementation of sustainable waste management programs in Indian country. This includes leveraging, coordinating, and improving technical and financial assistance in support of developing integrated waste management plans, and closing, cleaning up, or upgrading open dumps.
- OLEM will continue to engage with and provide technical assistance to tribes through activities under the Tribal Waste and Response Assistance Program, including support for the annual Tribal Lands and Environment Forum conference, the Tribal Waste and Response Steering Committee, trainings, and online resources.

Regions

- Regions may consider established EPA-Tribal Environmental Plans (ETEPs) to assist in conducting federal environmental program activities in Indian country, including direct implementation and technical and financial assistance.

Tribes

- Participate in conferences, meetings, trainings, webinars, etc. to build capacity to effectively implement cleanup and response programs.
- Participate in consultation and outreach events and provide comments, feedback, and tribal perspectives on proposed regulations and guidance.
- Implement programs related to solid and hazardous waste, underground storage tanks, Brownfields, Superfund, and emergency response activities, as applicable. Engage with EPA headquarters and regional staff and other entities to improve program implementation.

States

- No specific activities listed.

Measures: The NPG measures supporting this program are 113 and 114. These measures can be found in Section IV, FY 2020 National Program Guidance Measures, on page 32.

Environmental Justice

Environmental Justice (EJ), or promoting healthy and environmentally sound conditions for all people, is a priority throughout all OLEM's programs. By integrating EJ into its programs, OLEM seeks to mobilize resources to address the needs of disproportionately overburdened and underserved communities. OLEM supports cross-agency coordination by working with other NPMs and the EPA regions to better facilitate the creation of healthy and sustainable communities. In many instances, children living in

communities with environmental justice concerns are the most vulnerable to pollutants or contaminants, and in recognition of that, OLEM will consider impacts on children in its activities.

To facilitate the continued integration of EJ into its programs, OLEM will undertake the activities below.

Headquarters and Regions

- As a part of its work planning process, OLEM will integrate EJ principles into its programmatic and regional decision-making using rulemaking, policy, screening and legal tools.
- The OLEM EJ and tribal programs will coordinate and collaborate with the American Indian Environmental Office's workgroup on implementing the EJ Policy for Tribes and Indigenous People. By integrating EJ principles in a consistent manner in the agency's work throughout Indian country, this partnership will promote the health and environment of federally recognized tribes, indigenous people and others living in Indian country.
- Strengthen the use of scientific and technical processes and policies to help address environmental and health inequities among overburdened and underserved communities by identifying impacts from stressors that burden these communities.
- Through OLEM partnerships with tribal and state governments, building alliances and leveraging resources to help address local environmental concerns in overburdened and underserved communities.

States and Tribes

- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.

SECTION III. FLEXIBILITY AND GRANT PLANNING

OLEM FY 2020-2021 Grants Management Guidelines

Effective Grants Management

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

1. Standardizing the timing of issuance of grants guidance for categorical grants (*i.e.*, by April of the fiscal year prior to the year in which the guidance applies); and
2. Ensuring effective management through emphasis on training and accountability standards for Project Officers and their managers.

OLEM's Acquisition and Resources Management Staff (ARMS) serves as liaison to OGD and the first resource for Project Officers and their managers in disseminating, implementing, and ensuring compliance with EPA new and existing grants management policies and procedures. ARMS also serves as the point of contact in consultations with our regional offices and Grant Coordinators Workgroup. ARMS's central coordinating role serves to ensure consistent implementation and compliance with agency grants management policies and procedures throughout OLEM Headquarters and regional program offices. This enables OLEM project officers to focus on how best to properly manage assistance agreements to meet program goals and objectives.

Alignment of National Program Guidance and Grant Work Planning

One of OLEM's objectives is to organize and coordinate the issuance of draft and final guidance documents, including grants guidance, to coincide as much as possible with state, tribal, and regional planning processes.

Timing of Guidance Issued for Categorical Grants

1. All guidance packages for categorical grant programs are to be issued by April of the year in advance of the fiscal year of availability of funds, if at all possible (e.g., guidance for fiscal year 2020 appropriated funds should be issued by April 2019). Not all categorical grant programs issue annual guidance. These programs may simply indicate that they are continuing to use their current guidance.
2. OLEM affirms our commitment to NEPPS and encourages the use of Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) as vehicles for increasing financial and programmatic flexibilities for states, tribes, and territories. In those instances where PPAs/PPGs are engaged, we encourage OLEM headquarters and regional offices to consider input received from state and tribal partners when developing grant guidance and work plans. OLEM-specific PPG-eligible grants include Hazardous Waste Management – SWDA 3011(a), Brownfields Response – CERCLA 128(a), and State Underground Storage Tanks – SWDA 2007 (f)(2). More information on NEPPS, PPAs, and PPGs can be found within the [NEPPS FY 2020-2021 NPG](#) and on the [EPA's NEPPS website](#).

Promoting Competition

OLEM places great importance on assuring that, to the maximum extent possible, all discretionary funding opportunities are awarded in a fair and open competitive environment and that no applicant receives an unfair advantage. OLEM Project Officers must ensure that these actions are fully compliant with EPA Order 5700.5A1, *Policy for Competition of Assistance Agreements* in the solicitation, selection, and award of assistance agreements.

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

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

In accordance with agency policy, all OLEM competitive funding opportunity announcements are advertised by posting to OLEM'S Grants & Funding page (<https://www.epa.gov/grants/office-land-and-emergency-management-grants-and-funding>) and [Grants.gov](https://www.grants.gov), the central federal electronic portal for applying for grant opportunities.

Grants.gov

GPI 14-01, ***Electronic Submission of Initial Grant Applications*** implements the decision of EPA's Grants Management Council (GMC) to streamline the agency's grant application process by requiring electronic submission through [Grants.gov](https://www.grants.gov).

The policy establishes [Grants.gov](https://www.grants.gov) as the EPA standard for the submission of initial proposals/applications for competitive and non-competitive assistance agreement awards.

Except in limited circumstances, the policy requires EPA officials to ensure that all initial competitive and non-competitive proposals/applications are submitted to EPA electronically through [Grants.gov](https://www.grants.gov).

After the initial proposal/application submittal through Grants.gov, program offices or grants management offices (GMOs) may allow applicants to submit revisions (that cannot be addressed through pen and ink changes) or additional proposal/application materials through email or electronically through [Grants.gov](https://www.grants.gov). If the latter method is chosen for a competitive program, a second Grants.gov package will need to be posted on [Grants.gov](https://www.grants.gov). Applicants may submit revisions to non-competitive applications under the same Grants.gov package used in the original submission. GMOs and program offices may also allow submission of revisions or additional proposal/application materials via hardcopy but only after determining that electronic methods are not feasible.

Section IV. FY 2020 National Program Guidance Measures

BFS Code	Measure Text	Indicator (Y/N)	FY 2020 National Target	Comments/Clarification
S10	Number of Superfund sites ready for anticipated use site-wide.	N	51	Tracks progress toward long-term goal in EPA's Strategic Plan
115	Number of Superfund remedial site assessments completed.	N	550	
170	Number of remedial action projects completed at Superfund NPL sites.	N	80	
141	Number of Superfund sites with remedy construction completed.	N	9	
151	Number of Superfund sites with human exposures brought under control.	N	10	
152	Number of Superfund sites with contaminated groundwater brought under control.	N	9	
FF1	Percentage of Superfund federal facility sites construction complete.	Y	83	
137	Number of Superfund removals completed.	N	141	
437	Number of inspections conducted at oil facilities subject to the Facility Response Plan regulation.	N	196	
438	Number of inspections conducted at oil facilities subject to the Spill Prevention, Control and Countermeasure regulation.	N	400	
CH2	Number of risk management plan inspections conducted.	N	224	
B30	Number of Brownfields sites made ready for anticipated use.	Y	684	Tracks progress toward long-term goal in EPA's Strategic Plan
B29	Brownfields properties assessed.	N	1,300	
B32	Number of properties cleaned up using Brownfields funding.	N	130	

BFS Code	Measure Text	Indicator (Y/N)	FY 2020 National Target	Comments/Clarification
B34	Jobs leveraged from Brownfields activities.	Y	7,000	
B37	Billions of dollars of cleanup and redevelopment funds leveraged at Brownfields sites.	Y	1.3	
PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals.	N	140	
PC3	Number of PCB approvals issued under authorities other than 40 CFR 761.61(a) or (c).	N	20	
HW4	Number of hazardous waste units with initial controls in place to prevent release.	N	13	Changed unit of measure from percentage to number of hazardous waste units
HW5	Number of permit renewals issued at hazardous waste facilities.	N	64	Simplified measure text
RSRAU	Number of RCRA Corrective Action facilities made ready for anticipated use.	N	107	Tracks progress toward long-term goal in EPA's Strategic Plan
CA1	Number of RCRA facilities with human exposures to toxins under control.	N	41	
CA2	Number of RCRA facilities with migration of contaminated groundwater under control.	N	61	
CA5RC	Number of RCRA facilities with final remedies constructed.	N	98	BFS Code changed to CA5RC to track new unit of measure
CA6	Number of RCRA facilities with corrective action performance standards attained.	N	59	
112	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration.	N	11,200	Tracks progress toward long-term goal in EPA's Strategic Plan
113	Number of LUST cleanups completed in Indian country that meet risk-based standards for human exposure and groundwater migration.	N	16	
114	Number of confirmed releases at UST facilities in Indian country.	N	11	

SECTION V. KEY CONTACTS

Subject Area	Contact	Phone	Email
OLEM, General Questions	Howard Rubin	(202) 566-1899	rubin.howard@epa.gov
Superfund Remedial	Art Flaks Jenee Sharon	(703) 603-9088 (703) 603-8736	flaks.art@epa.gov sharon.jenee@epa.gov
Federal Facilities	Jyl Lapachin	(202) 564-0560	lapachin.jyl@epa.gov
Emergency Management	Lisa Guarneiri	202-564-7997	guarneiri.lisa@epa.gov
Resource Conservation and Recovery	David Hockey	(703) 308-8846	hockey.david@epa.gov
Brownfields	Kelly Gorini Aimee Storm	(202) 566-1702 (202) 566-0633	gorini.kelly@epa.gov storm.aimee@epa.gov
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APPENDICES

Appendix A: Explanation of Key Changes from FY 2018-2019

Section of Guidance	Change from FY 2018-2019 NPM Guidances	Reason for Change	Location of New/Modified Information
General	OLEM has included actions to address per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants. [addition]	OLEM programs are working to address PFAS and other emerging contaminants.	Section I. Introduction, page 2; Section II. Strategic Plan Implementation, pages 5, 7 and 8.
	OLEM has identified the agency’s priority to accelerate progress at Superfund sites and to institutionalize recommendations from the Superfund Task Force report. [addition]	The Superfund Task Force was not yet established when the FY 2018 - 2019 OLEM National Program Manager Guidance was drafted.	Section I. Introduction, page 2; Section II. Strategic Plan Implementation, pages 4, 8 and 9.
	Integration of EPA’s Lean Management System (ELMS) into program management to streamline business operations. [addition]	EPA’s Lean Management System was not yet established when the FY 2018 - 2019 National Program Manager’s Guidance was drafted.	Section I. Introduction, page 2; Section II. Strategic Plan Implementation, pages 5 and 6.
	Assessing the universe of facilities subject to RCRA Corrective Action and identifying new goals for assessment and cleanup of contamination at additional facilities. [addition]	Undertaking periodic assessment of RCRA Corrective Action baseline facilities.	Section II. Strategic Plan Implementation, Pages 16-17.
	The Office of Brownfields and Land Remediation has included information on implementing program changes as a result of the 2018 BUILD	The BUILD Act was not yet established when the FY 2018 -2019 National Program Manager’s Guidance was drafted.	Section II. Strategic Plan Implementation, page 11.

	Act. [addition]		
Long-term Performance Goals	Tracking the Superfund, Brownfields, RCRA Corrective Action and LUST cleanup ready for anticipated use long-term performance goals.	These are the four long-term performance goals included in the FY 2018-2022 EPA Strategic Plan that are managed by OLEM.	Section II. Strategic Plan Implementation, pages 4, 11, 13 and 23.
Other Core Work	EPA's FY 2020-2021 guidances were reorganized to include this section.	No substantive changes.	N/A
Measures	<p>HWO: Number of hazardous waste facilities with new or updated controls [deletion]</p> <p>HW4: Number of hazardous waste units with initial controls in place to prevent release [addition]</p> <p>HW5: Number of permit renewals issued at hazardous waste facilities [addition]</p> <p>327a: Percent of all FRP facilities found to be non-compliant which will be brought into compliance [deletion]</p> <p>328a: Percent of all SPCC facilities found to be non-compliant which will be brought into compliance [deletion]</p> <p>437: Number of inspections conducted at oil facilities subject to the Facility Response Plan regulation [addition]</p> <p>438: Number of inspections conducted at oil facilities subject to the Spill Prevention, Control</p>	<p>Replaced combined permitting measure with separate measures tracking initial controls and renewals.</p> <p>Replaced FRP and SPCC brought into compliance measures with measures tracking inspections at regulated facilities.</p>	<p>Section IV, FY 2020 National Program Guidance Measures, page 33.</p> <p>Section IV, FY 2020 National Program Guidance Measures, page 32.</p>

	and Countermeasure regulation [addition]		
	C1: Score on Core NAR evaluation [deletion]	Program objectives met.	
Contact Information	<p>Lisa Guarneiri (202-564-7997) replaces Rob Fox as Emergency Management contact.</p> <p>Erika Wilson (202-343-9113) replaces Jessica Snyder as tribal contact.</p>		Section V. Key Contacts, page 34