

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance
Draft National Program Guidance, Fiscal Years 2023-2024

June 1, 2022

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ACRONYM LIST

ACWA	Association of Clean Water Administrators
AIM Act	American Innovation and Manufacturing Act
AHERA	Asbestos Hazard Emergency Response Act
APPS	Act to Prevent Pollution from Ships
CAA	Clean Air Act
CBP	U.S. Customs and Border Protection
CCAC	Creating Cleaner Air for Communities
CCR	Coal Combustion Residuals
CDX	Central Data Exchange
CEI	Comprehensive Evaluation Inspection
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CMS	Compliance monitoring strategy
CWA	Clean Water Act
CWS	Community Water System
DHS	Department of Homeland Security
DOJ	Department of Justice
ECATT	ECHO Clean Air Tracking Tool
ECHO	Enforcement and Compliance History Online
EJ	Environmental justice
EMS	Enforcement Management System
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ERP	Enforcement Response Policy
ETEP	EPA-Tribal Environmental Plan
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FRP	Facility Response Plan
FRV	Federally Reportable Violation
GDC	General Duty Clause
GLP	Good Laboratory Practices
GHG	Greenhouse gas
HAP	Hazardous air pollutant
HFC	Hydrofluorocarbon
HPV	High Priority Violations
IC	Institutional Control
ICIS	Integrated Compliance Information System

LBP	Lead-based Paint
LCR	Lead and Copper Rule
LDAR	Leak detection and repair
LDR	Lead Disclosure Rule
LQGs	Large Quantity Generator
MOA	Memorandum of agreement
NAAQS	National Ambient Air Quality Standards
NAICS	North American Industry Classification System
NCI	National Compliance Initiative
NEPPS	National Environmental Performance Partnership System
NESHAPs	National Emission Standards for Hazardous Air Pollutants
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NPG	National Program Guidance
NRCS	Natural Resources Conservation Service
OAR	Office of Air and Radiation
OCEFT	Office of Criminal Enforcement, Forensics and Training
OCIR	Office of Congressional and Intergovernmental Relations
OCSP	Office of Chemical Safety and Pollution Prevention
ODS	Ozone Depleting Substances
OECA	Office of Enforcement and Compliance Assurance
OEM	Original equipment manufacturer
PBT	Persistent, Bioaccumulative, and Toxic
PFAS	Per- and Poly- fluoroalkyl substances
PHMSA	Pipeline and Hazardous Materials Safety Administration
PPA	Performance Partnership Agreement
PPG	Performance Partnership Grant
PRP	Potentially responsible party
PWS	Public Water System
QAFAP	Quality Assurance Field Activities Procedures
RA	Remedial Action
RCRA	Resource Conservation and Recovery Act
RD	Remedial Design
RFS	Renewable Fuel Standard
RIN	Renewable identification number
RMP	Risk Management Plan
RRP	Renovation, Repair and Painting

SDWA	Safe Drinking Water Act
SEP	Supplemental environmental project
SNC	Significant Noncompliance
SPCC	Spill Prevention, Control, and Countermeasure
SRF	State Review Framework
TRI	Toxics Release Inventory
TSCA	Toxic Substances Control Act
TSDF	Treatment, Storage, and Disposal Facilities
UIC	Underground Injection Control
USFWS	U.S. Fish and Wildlife Service
UST	Underground storage tank
VOC	Volatile organic compound

SECTION I. INTRODUCTION

A. Background and Context

This FY 2023-2024 National Program Guidance (NPG) for the Office of Enforcement and Compliance Assurance (OECA) is a preliminary planning document and reflects the information currently available regarding specific programmatic commitments and activities. It identifies the national compliance and enforcement activities that the U.S. Environmental Protection Agency (EPA or the Agency) and state, territory, local, and tribal government agencies should perform in FY 2023-2024 consistent with the budget and the Administrator's priorities. In developing this guidance, OECA reviewed and considered the state, tribal, and territorial priorities identified through program-specific early engagement. The "EPA Overview to the National Program Guidance" communicates important background and agency-wide information and should be read in conjunction with this FY 2023-2024 OECA National Program Guidance.

OECA supports EPA's FY 2022-2026 principles of following the science, following the law, being transparent, and advancing justice and equity. OECA's priorities, policies, and practices will focus on being consistent and systematically fair, just, and impartial in our treatment of all individuals. OECA will focus federal enforcement resources on the most serious environmental problems where noncompliance with environmental statutes and regulations is a significant contributing factor and where federal enforcement can have a significant impact on the nation's air, water, and land. This work will include targeting and screening to prioritize and increase inspections and enforcement cases in overburdened and vulnerable communities.

OECA will seek to increase engagement with communities about enforcement cases and identify remedies with tangible benefits for impacted communities. OECA will continue to initiate enforcement actions where there is noncompliance, to protect against hazards in areas such as exposure to lead paint, the presence of lead and other contaminants in drinking water, and air toxics and particulate air emissions. OECA will address climate change by establishing a new hydrofluorocarbon enforcement program, directing resources to ensure effective enforcement responses for noncompliant emissions of greenhouse gases, and developing remedies that mitigate emissions and enhance climate resilience. OECA will continue its focus on the National Compliance Initiatives that target the most serious environmental and public health problems where noncompliance is a significant contributing factor. OECA will also begin to focus on emerging issues that threaten public health and the environment, such as coal combustion residuals and per- and polyfluoroalkyl substances (PFAS). OECA will protect communities by ensuring prompt site cleanup using an "enforcement first" approach that maximizes the participation of liable and viable parties in performing and paying for cleanups, expanding the number of cleanups performed, and preserving federal dollars for sites where there are no viable contributing parties.

OECA will collaborate with states, territories, local governments, and federally recognized Indian tribes, by both directly implementing compliance monitoring and enforcement programs and through oversight of programs implemented by our co-regulators. This collaboration emphasizes use of the full range of the OECA's compliance assurance tools, such as helping regulated entities understand their compliance obligations, helping facilities return to compliance, building state capacity, supporting state actions, bringing Federal civil administrative actions, and bringing Federal civil or criminal judicial enforcement actions. EPA retains enforcement authority and will use it if states, territories, tribes, or local governments lack the authority,

capability, or resolve to take timely and appropriate action to protect public health and the environment.

B. Federal Civil Rights Responsibilities, Including Title VI of the Civil Rights Act of 1964

OECA provides a small amount of federal financial assistance to support two programs as described in Section XX of this document and will ensure recipients comply with federal civil rights law, as described in this section. In 1994, Executive Order 12898 was issued to direct Federal agencies to incorporate achieving environmental justice into their mission. The Presidential Memorandum accompanying that Executive Order required in part, that consistent with Title VI, each Federal agency "...ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin."

EPA has a responsibility to ensure that recipients and subrecipients of federal financial assistance from EPA – including states, municipalities, and other public and private entities – comply with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin (including limited English proficiency), disability, sex, and age, including Title VI of the Civil Rights Act of 1964.

EPA's implementing regulation generally prohibits discrimination in any programs, activities and services receiving federal financial assistance. In addition, EPA's implementing regulations at 40 Code of Federal Regulations Section 7.35 states that programs or activities receiving EPA assistance "shall not directly or through contractual, licensing, or other arrangements on the basis of race, color, or national origin...":

- Subject a person to segregation or separate treatment.
- Deny a person or group the opportunity to participate as members of any planning or advisory body.
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid, or benefit provided by the program.
- Use criteria or methods of administration "which have the effect of subjecting individuals to discrimination."
- Choose a site or location of a facility with "the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination," among other things.

EPA's nondiscrimination regulations at 40 Code of Federal Regulations Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including subrecipients) of EPA financial assistance. These regulations require recipients to have a notice of nondiscrimination, nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and pursuant to Title VI and the Rehabilitation Act of 1973, to develop policies and/or procedures for ensuring meaningful access to programs and activities for individuals with limited-English proficiency and

individuals with disabilities. In addition, recipients' public participation processes must also be implemented consistent with the federal civil rights laws.

EPA intends to carefully evaluate the implementation of EPA financial assistance programs for compliance with civil rights laws by recipients of EPA funding to ensure that no community is excluded from receiving or denied benefit of funding based on race, color, national origin (including limited English proficiency), age, disability, or sex.

For more information about the federal civil rights laws enforced by EPA, including Title VI, please visit: <https://www.epa.gov/ocr/title-vi-laws-and-regulations> and <https://www.epa.gov/ogc/external-civil-rights-compliance-office-title-vi>.

SECTION II. KEY PROGRAMMATIC PRIORITIES

A. Key Enforcement and Compliance Activities to Advance Environmental Justice

For the past 25 years, OECA, in partnership with regional enforcement programs, has built environmental justice (EJ) and civil rights principles into its enforcement and compliance assurance program and continues to strengthen the integration of these principles across our activities. Building on this progress, OECA continues to build EJ considerations into its enforcement and compliance policies, train staff and technical experts, and improve data tools. OECA has created an internal governance structure that actively advises the national enforcement program on how best to integrate EJ into OECA's functions. In particular, in response to Executive Order 14008's call to "strengthen enforcement of environmental violations with disproportionate impact on underserved communities," OECA is focused on four key strategies:

1. Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements
On April 26, 2021, OECA issued a memorandum, [Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements](#), encouraging the use of the full array of policy and legal tools to ensure that environmental laws deliver benefits to all individuals and communities, including partnering with the Department of Justice, advanced monitoring, audits, electronic reporting, and posting of compliance data. Case teams are also instructed to consider settlement provisions that address past harm to communities, including mitigation, supplemental environmental projects (SEPs)¹, and stipulated remedies.
2. Strengthening Enforcement in Communities with Environmental Justice Concerns
On April 30, 2021, OECA issued a memorandum, [Strengthening Enforcement in Communities with Environmental Justice Concerns](#), directing an increase in the number of facility inspections in overburdened communities, enhancements to remedies, and an increase in community engagement. EPA will focus on strengthening enforcement and

¹ See <https://www.epa.gov/enforcement/supplemental-environmental-projects-seps> for more information on Supplemental Environmental Projects. The inclusion of SEPs in judicial settlements is currently severely limited by a regulation promulgated by the Department of Justice (DOJ) (28 C.F.R. § 50.28(c)(1)), as well as other DOJ policies. Those are now under review at DOJ, and until further guidance is provided, inclusion of SEPs and stipulated remedies in civil judicial settlements should be limited to those that involve diesel emission reductions. EPA is coordinating closely with DOJ on the subject of SEPs.

resolving environmental noncompliance through remedies with tangible benefits for the impacted community.

OECA is also providing early and more frequent engagement with overburdened communities affected by enforcement decisions, by:

- Providing more information about facilities, pollution, inspection, and enforcement activities, through press releases, desk statements, public meetings, and websites focused on specific communities.
- Developing transparency tools, including enhancements to EPA's [Enforcement and Compliance History Online \(ECHO\)](#) website, that will provide the public with enforcement and compliance information about their community.
- Pursuing additional opportunities to increase community engagement across the enforcement program, such as:
 - Direct outreach to local communities by regional enforcement and compliance programs, collaborating with state, tribal, and local authorities to provide bilingual information, and targeted public service announcements and outreach to impacted communities about issues such as safe drinking water, pesticides and air emission impacts, and worker or industry safety regulations.
 - Promoting EJ with other federal agencies. Examples include:
 - Leading a series of EJ best practices meetings with the Department of Energy regarding Oak Ridge Reservation to improve community engagement;
 - Collaborating with the Department of Defense to protect military families from lead-based paint exposures;
 - Conducting training on EJSCREEN, EPA's environmental justice mapping and screening tool, for other federal agencies; and
 - Launching a comprehensive EJ webpage on FedCenter.gov, which is the compliance assistance website for federal agencies.

3. Strengthening Environmental Justice through Criminal Enforcement

On June 21, 2021, OECA's Acting Assistant Administrator, issued a memorandum, [Strengthening Environmental Justice Through Criminal Enforcement](#), directing strengthened detection of environmental crimes in overburdened communities through effective civil-criminal coordination on investigations and cases, improved assistance to crime victims, and enhanced remedies sought in environmental crime cases. Specifically, OECA is:

- Partnering with the Department of Justice to improve attention and support to the victims of environmental crimes and working to conduct as much outreach as possible to share information about EPA's criminal enforcement.
- Enhancing the remedies sought in environmental crime cases by developing an internal criminal enforcement initiative focused on EJ. This Enforcement Initiative focuses prioritization of investigative resources to overburdened and/or underserved communities and vulnerable populations, while maintaining case initiation standards and reducing the impact of pollution.
- Instructing case teams to:
 - Prevent subsequent pollution crimes in communities, which means that punishment for environmental crimes must be sufficient to achieve the goal of deterrence;

- Seek conditions of probation or supervised release whenever necessary to ensure compliance and provide communities with sufficient information to be assured that illegal pollution is not recurring; and
- Seek restitution and/or community service to redress harm from the offense.

4. Strengthening Environmental Justice through Cleanup Enforcement Actions

To support the Agency’s focus on environmental justice, OECA intends to use authorities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) to proactively investigate and prevent threatened releases in overburdened and/or underserved communities; secure cleanup and reuse agreements that address impacts on communities; and increase opportunities for community engagement. On July 1, 2021, OECA issued a memorandum, [Strengthening Environmental Justice Through Cleanup Enforcement Actions](#), directing cleanup enforcement staff to require responsible parties to take early and prompt cleanup actions, press for more robust enforcement instruments, and increase cleanup oversight.

OECA is:

- Revising its model cleanup documents to include EJ language that will be used by enforcement teams across EPA, providing a standardized basis to address EJ concerns in cleanup enforcement.
- Increasing opportunities for community engagement in the development of cleanup and reuse agreements to ensure community concerns are addressed in a meaningful manner, through revised model documents that include new provisions regarding community involvement (e.g., requiring potentially responsible parties to provide information to the public in the dominant language(s) of community members).
- Requiring responsible parties to take early cleanup actions by:
 - Instructing case teams to take steps to expedite cleanups in overburdened communities to address the most urgent risks to human health.
 - Streamlining the model Remedial Design/Remedial Action Consent Decree to result in a quicker negotiation process for CERCLA cleanup settlements.
 - Working with regions on proactive use of Imminent and Substantial Endangerment authorities at Superfund and RCRA Corrective Action sites to prioritize early action and/or enforcement efforts at sites affecting overburdened, vulnerable, or undeserved communities or climate sensitive areas where there are viable responsible parties and early action would prevent or abate releases.

B. Key Enforcement and Compliance Activities to Address Climate Change

EPA plays a critical role in meeting the Administration’s whole-of-government approach to confront the climate crisis. In its FY 2022-2026 Strategic Plan, EPA is charting a course to tackle climate change through integration of climate readiness across EPA’s missions and programs. OECA’s enforcement and compliance programs directly support EPA’s Goal 1, to tackle the climate crisis by taking action to adapt to and mitigate climate change risks.

OECA expects to address the climate crisis, objectives 1.1 and 1.2, by increasing capacity of a new hydrofluorocarbons (HFC) enforcement program, completion of a Climate Adaptation Implementation Plan, and through continued enforcement of environmental laws to ensure EPA obtains the intended health and environmental benefits of compliance.

OECA expects to increase capacity to implement the American Innovation and Manufacturing (AIM) Act of 2020,² a new law designed to reduce HFC emissions by 85% as part of a global phasedown that is expected to avoid up to 0.5°C of global warming by 2100. OECA's Air Enforcement Division is a co-lead with the Office of Air and Radiation and U.S. Customs and Border Protection (CBP) on a new multi-agency HFC task force charged with implementing and enforcing the AIM Act.

OECA expects to complete the Climate Adaptation Implementation Plan in FY 2022 and begin implementing the plan in FY 2023. OECA's plan will identify priority actions OECA will implement each year to integrate climate adaptation into our programs, policies, and operations (if resources are available). The plan will also include a vulnerability assessment of relevant risks posed by climate change and the potential impacts they could have on OECA's operations.

OECA and our regional partners play an important role in enhancing communities' resilience to climate-related disasters through enforcing rules designed to reduce greenhouse gas (GHG) emissions and other harmful pollutants, and integrating adaptation principles into our compliance and enforcement efforts. OECA is addressing the climate crisis by addressing non-compliance with the Renewable Fuel Standard (RFS) requirements, regulations that apply to air emissions from oil and gas sources and methane emissions from landfills, and HFC emission limitations under the AIM Act. Additionally, OECA intends to use authorities under CERCLA and RCRA to proactively investigate and prevent threatened releases in climate-sensitive communities; secure cleanup and reuse agreements that address climate change vulnerabilities; and integrate actions to address climate change into enforcement tools, policies, and guidance used for the cleanup and reuse of contaminated sites.

C. FY 2020-2023 National Compliance Initiatives

OECA's [National Compliance Initiatives \(NCIs\)](#) are EPA's high priority focus areas to address the nation's most serious environmental and public health problems where noncompliance with environmental statutes and regulations is a significant contributing factor, and where federal enforcement can have a significant impact on the nation's air, water, and land. There are six NCIs for the FY 2020-2023 cycle. During FY 2023, EPA will evaluate these six NCIs and potential new ones for the next NCI cycle beginning in FY 2024. The six FY 2020-2023 NCIs are:

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

This NCI focuses on reducing excess emissions of both volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). For VOC emissions, the NCI focuses 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. In addition to reducing excess VOC and HAP emissions, implementation of this NCI also reduces methane emissions from some significant industrial sources (e.g., oil and gas production and processing facilities, municipal solid waste landfills). Methane reductions will minimize the impact of climate change because methane is a potent greenhouse gas. For HAPs, this NCI focuses on sources that have a significant impact on air quality and health in communities. To improve air quality by reducing excess

² For more information about the American Innovation and Manufacturing Act, please visit: <https://www.epa.gov/climate-hfcs-reduction/aim-act>.

emissions of VOCs and HAPs, the Agency is addressing significant violations to achieve measurable pollutant reductions at NCI inspected sources thereby delivering cleaner, healthier air for communities. EPA is also working to improve overall Clean Air Act (CAA) compliance through collaboration with states and development of the full range of compliance assurance tools.

In implementing this Initiative, EPA is committed to directing efforts at sources having a significant adverse effect on air quality and health in communities with potential environmental justice concerns. We continue to further incorporate environmental justice into our Creating Cleaner Air for Communities (CCAC) NCI inspections, remedies, and engagement with communities. In focusing resources in areas where overburdened, vulnerable populations are being disproportionately affected by excess VOC and HAP emissions, the agency is increasing CCAC inspections at sources where current information identifies a likelihood of noncompliance. Areas for focused attention include, but are not limited to, municipal solid waste landfills, oil and natural gas production and processing facilities, refineries, and metal recycling facilities. Inspections at such sources are critical to ensure violations are detected and assist in reducing excess VOC and HAP emissions as well as other harmful air pollutants and methane, all of which can cause significant health impacts and impact climate change.

2. Reducing Hazardous Air Emissions from Hazardous Waste Facilities

The RCRA requires effective control and monitoring of organic air emissions from Treatment, Storage, and Disposal Facilities (TSDFs) and Large Quantity Generators (LQGs). Releases from hazardous waste facilities can include releases of constituents known or suspected to cause cancer or birth defects. In addition, leaks from these facilities can contribute to nonattainment with the NAAQS, specifically for ground-level ozone.

This NCI focuses on improving compliance with regulations that control organic air emissions from certain hazardous waste management units and activities. The RCRA organic air emission regulations establish performance, design, operation, monitoring and maintenance requirements and potentially apply to certain process vents, equipment, tanks, containers, and surface impoundments at TSDFs and LQGs that manage organic hazardous wastes (40 C.F.R. Parts 264 and 265, Subparts AA, BB, and CC). The Agency has found that air emission violations associated with the improper management of hazardous waste remain widespread.

EPA regions and states responsible for implementing the RCRA organic air emissions regulations should prioritize the following activities:

- Identify and reduce air emissions from hazardous waste facilities by increasing the number of RCRA NCI inspections, especially of facilities located in overburdened communities;
- Ensure that all RCRA inspections at TSDs and LQGs assess the applicability of the hazardous waste air emission standards for each facility and, where possible, include leak detection and repair (LDAR) monitoring;
- Address and pursue timely enforcement when noncompliance is found, and seek additional benefits including early and meaningful communication to overburdened communities in settlements;
- Maintain a viable inspection and enforcement program by increasing capacity among regional and state RCRA inspectors;

- Promote compliance and supplement traditional enforcement through outreach to industry and states using the full range of compliance assurance tools, where appropriate; and
- Maintain an inventory of all hazardous waste releases identified and corrected as a result of EPA NCI inspections (states are also encouraged to implement this practice). Counts of these releases should include all emissions, including those that do not meet regulatory leak thresholds. While not greenhouse gases, the volatile organic waste emissions targeted by this NCI are known to contribute to global warming and elevate levels of lower atmospheric ozone. Curbing the release of these compounds directly contributes to the Agency's goal to take action against the climate crisis and protect public health.

3. Stopping Aftermarket Defeat Devices for Vehicles and Engines

Illegally-modified vehicles and engines contribute substantial excess pollution that harms public health and impedes efforts by EPA states, territories, tribes, and local government agencies to plan for and attain air quality standards. This NCI is focused 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. EPA, through its direct implementation authority, can play a critical role in addressing these important pollutant sources. Title II of the CAA authorizes EPA to set standards applicable to emissions from a variety of vehicles and engines. Required emission controls often include filters and catalysts installed in the vehicle's or engine's exhaust system, as well as calibrations that manage fueling strategy and other operations in the engine itself. The CAA prohibits tampering with emissions controls, as well as manufacturing, selling, and installing aftermarket devices intended to defeat those controls.

Yet, despite those prohibitions, EPA has found numerous companies and individuals that have manufactured and sold both hardware and software specifically designed to defeat required emissions controls. Since this NCI began, EPA has resolved several dozen civil enforcement cases and continues to take robust enforcement action against these violators. Although these large civil enforcement actions against diesel manufacturers and distributors yield the largest impact in terms of stopping the proliferation of aftermarket defeat devices, EPA has also provided compliance assistance to help stop the problem. EPA is providing tampering and aftermarket defeat device inspector trainings, which have been widely attended by dozens of states. EPA is also supporting states performing inspections and taking enforcement actions for violations of state laws concerning tampering. State efforts to curtail the demand for aftermarket defeat devices complement EPA's enforcement efforts.

By focusing on large civil enforcement actions that stop the full removal of emissions controls from diesel engines, EPA will continue to achieve the most impactful results in terms of stopping excess air pollution nationwide. In addition to achieving the best air quality impacts through this focus, EPA will also ensure the most benefits for communities with potential EJ concerns. There is ample evidence that people who live or attend school near major roadways are more likely to be of a racial minority, Hispanic ethnicity, or low socioeconomic status. These communities, based on their proximity to roadways and other clusters of mobile source concentration points, including distribution centers, seaports, airports, train yards, oil and gas extraction and production facilities, and construction sites, are disproportionately harmed by mobile source pollution. Because these communities are

disproportionately harmed by tampering, they also stand to gain substantial benefit from the enforcement work conducted under this NCI. Thus, focusing enforcement resources on the largest possible upstream entities is a top priority both in terms of overall air quality impacts, but also in terms of achieving the greatest benefits for communities with potential EJ concerns.

4. Reducing Significant Noncompliance (SNC) with National Pollutant Discharge Elimination System (NPDES) Permits

The goals of the Clean Water Act (CWA) NPDES SNC NCI are to reduce by half the national SNC³ baseline rate of 20.3%, assure the worst SNC violators are timely and appropriately resolved, provide compliance and technical assistance to permittees, support state and EPA region implementation of the NCI, and further the Agency's environmental justice efforts. In support of achieving these goals, the SNC NCI has developed measures and deliverables that focus on achieving substantial improvements in compliance through state and EPA attention to the NPDES program, with enhanced focus on addressing the worst SNC effluent violators and violators located in overburdened communities.

The SNC NCI is a highly collaborative effort between the NPDES authorized states and EPA. EPA-state collaboration has already improved national NPDES data accuracy and significantly reduced the national SNC rate. EPA Regions and states meet quarterly to discuss SNC-level violations, data accuracy issues producing false SNC violations, and plans for addressing SNC-level violations. The broad, consistent, and energetic participation of EPA regions, states, and Association of Clean Water Administrators (ACWA) on SNC NCI workgroups and projects have enabled the NCI to stay on track to reduce the national SNC rate by 50% by the end of FY 2022.

The SNC NCI will continue to advocate for resources for EPA regions, states, and permittees to implement the goals of the SNC NCI. Examples of how EPA regions, states, and permittees have benefitted directly from SNC NCI and EPA resources include: funding, contractor support, and staff assistance for technical and compliance assistance to permittees; support for improving state data accuracy; and state and region training on NPDES policy, data, and data management and SNC NCI tools. The SNC NCI will continue to seek regional, state and ACWA input on NCI decisions that could affect state resources, processes, and attainment of the SNC NCI goals. Finally, the SNC NCI will focus efforts on supporting improved compliance by NPDES permitted facilities in underserved communities, particularly rural and overburdened communities.

5. Reducing Noncompliance with Drinking Water Standards at Community Water Systems (CWSs)

Each year thousands of CWSs - which serve water to the same people year-round - violate one or more health-based drinking water standard(s). The challenges faced by CWSs vary across the country and can include factors such as diminished quality of water sources, aging infrastructure, lack of qualified operators, naturally occurring or unregulated contaminants, decreasing or expanding populations, and droughts or flooding. Accordingly,

³ NPDES SNC criteria can be found at EPA's [SNC NCI website](#). SNC criteria will remain the same for the duration of the current NCI cycle.

the NCI is structured to provide flexibility to prioritize local concerns and to allow EPA and its partners to focus resources where they will have the greatest impact on protection of public health. EPA is working closely with states, tribes, and territories with primary responsibility for the public water system program (referred to as primacy) to identify, prioritize and address a subset of CWSs with known, ongoing noncompliance with the federal Safe Drinking Water Act (SDWA). Additionally, the NCI seeks to identify and address risks for noncompliance at CWSs that may have gone unnoticed. As EPA increases its presence under this NCI (e.g., conducts more inspections) to support primacy agencies, more violations may be identified. Thus, we may see an initial increase in the number of CWSs in noncompliance, which will help us better understand the full scope of the problem.

The benefits of this NCI include helping to ensure delivery of safe water to communities by improving SDWA compliance and fostering greater collaboration with primacy agencies to create a more effective national program. As EPA implements the NCI, we will increase our expertise in compliance assurance and enforcement to support primacy agencies and strengthen the Agency's direct implementation activities. As part of the NCI, EPA is performing compliance evaluations of at least 50% of the approximately 4,400 large CWSs (each serving more than 10,000 consumers) that provide drinking water to an estimated 83% on the nation's population and will take action to resolve any violations or other potential concerns discovered. The NCI is focusing resources on improving the performance of CWSs (most very small) that repeatedly miss deadlines to sample and test their water. Under this NCI, EPA and states are working to reduce the number of CWSs of all sizes with health-based violations that expose their users to potentially harmful levels of contaminants in their drinking water.

Environmental justice goals of this NCI include increasing the number of inspections/compliance reviews at systems serving communities with potential EJ concerns; expanding the use of the Compliance Advisors to help overburdened systems return to compliance; encouraging use of rule-specific compliance reviews, such as the Lead and Copper Rule (LCR), to increase timely and tangible benefits for communities; and ensuring that communities know about health-based violations and what steps to take to protect their health.

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

EPA is implementing this NCI in order to reduce risk to human health and the environment by decreasing the likelihood of chemical accidents. EPA has found that many regulated facilities are neither adequately managing the risks they pose nor ensuring the safety of their facilities to protect surrounding communities as required under CAA Section 112(r). In addition, EPA has also found that facilities are not always submitting required chemical information to local emergency authorities or accurately reporting chemical releases.

The regulatory requirements affect a vast array of facilities and industries. These range from refrigerated warehouses using ammonia, to some of the largest refineries in the world using flammable substances and other hazardous substances like hydrogen fluoride. At the inception of the NCI, EPA conducted a national review of accident data to determine which North American Industry Classification System (NAICS) codes had the greatest number of reported accidents, and the greatest number of repeat accidents. Based on this analysis, the NCI prioritized those NAICS categories which demonstrated the greatest risk; namely,

ammonia refrigeration, chemical manufacturing, fertilizer distribution, gas processing, and petroleum refining.

In the second cycle of the NCI, the scope of the universe has expanded to include any facility subject to the Risk Management Plan (RMP) and/or General Duty Clause (GDC) requirements, not just those in the priority NAICS codes. The NCI will continue to work on NAICS-specific projects, but inspections and enforcement at any facility covered by RMP or GDC will be considered part of the NCI. Regions are expected to conduct at least 36% of RMP inspections at high-risk facilities. OECA has added environmental justice data to the list of high-risk facilities. Regions should use this data to incorporate environmental justice considerations when selecting high-risk targets for inspection.

These NCIs include programs for which many states are authorized as well as programs for which the EPA has direct implementation responsibilities. 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.

SECTION III. WORKING WITH INDIAN TRIBES TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT

A. Tribal Government Collaboration and Consultation

EPA is committed to working with federally-recognized Indian tribes (tribes) to assure compliance in Indian country⁴ to protect human health and the environment. Our work occurs both when EPA directly implements compliance monitoring and enforcement programs (e.g., where a tribe is not approved to implement a federal program) and when EPA oversees a tribe or tribes approved to implement a federal program.⁵ OECA's work is conducted with appropriate consultation, coordination, and engagement within the context of the generally applicable federal environmental statutes and regulations and EPA compliance monitoring and enforcement response policies. In addition, EPA-consultation, coordination, and engagement with tribes occurs within the context of federal Indian law and the unique Agency policies applicable to Indian country and tribes, including the [EPA Policy for the Administration of Environmental Programs on Indian Reservations](#) (EPA Indian Policy), the [Policy on Consultation and Coordination With Indian Tribes](#), the [Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy](#) (Tribal Enforcement Guidance), and Region-specific policies applicable to Indian country. The Agency also looks to EPA-Tribal Environmental Plans (ETEPs), which outline EPA and tribal priorities for each tribe, to focus our work

⁴ 18 U.S.C. § 1151 defines Indian country as “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”

⁵ See EPA's [Tribal Assumption of Federal Laws -Treatment as a State](#) homepage for background information and the names of tribes with Agency-approved programs.

in Indian country. The collaboration takes place both with individual tribes and with EPA-tribal partnership groups.

B. Compliance and Enforcement in Indian Country

EPA works to ensure compliance in Indian country to protect human health and the environment. 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. EPA acts in an oversight capacity where a tribe has been authorized by EPA to implement an environmental program. In both its direct implementation and oversight capacity, EPA conducts its work in Indian country with appropriate consultation and coordination with tribes.

EPA Activities

1. Engage in appropriate consultation, coordination, and communication with tribes on compliance monitoring and enforcement activities that may affect them as guided by the EPA Policy on Consultation and Coordination with Indian Tribes, the [Tribal Enforcement Guidance](#), [Restrictions on Communicating with Outside Parties Regarding Enforcement Actions](#), and region-specific policies applicable to Indian country. This includes:
 - Providing tribal governments appropriate notice prior to announced civil inspections or as soon as practicable after unannounced civil inspections are conducted in Indian country;
 - Providing tribal governments appropriate information about noncompliance at facilities in Indian country, including inspection reports; and
 - Providing appropriate information on whether, when, and how EPA initiates civil and criminal enforcement.
2. 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.
3. Conduct civil and criminal inspections and compliance monitoring activities in Indian country. This includes:
 - Using the applicable compliance monitoring strategy (CMS), CMS planning documents, and ETEPs, which contain universe estimates and priority information, to help set the number and type of yearly compliance monitoring activities.
4. Use vigorous and targeted civil and criminal enforcement to ensure accountability for violations and to clean up contamination in Indian country to ensure that noncompliance does not result in a lesser degree of human health and environmental protection in Indian country than elsewhere in the United States. This includes:
 - Applying the “Enforcement Principles” of the [EPA Indian Policy](#),⁶ the [Tribal Enforcement Guidance](#), the [Questions and Answers on the Tribal Enforcement Process](#) and generally applicable enforcement response policies to address noncompliance at tribal facilities.⁷

⁶ See Principle 8 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.

⁷ EPA Regions continue to apply their region-specific policies or procedures related to addressing noncompliance in Indian country.

- Addressing noncompliance at non-tribal facilities in Indian country as it would at facilities outside Indian country with appropriate and timely notice to tribal governments.
 - Identifying tribes with the ability to participate in federal enforcement actions based on an independent claim, including the ability to share penalties collected consistent with applicable federal law as outlined in the EPA’s memorandum entitled [Joint Collection of Penalties with State and Local Governments and Federally Recognized Indian Tribes](#).
 - Applying penalty and settlement policies to ensure that the regulated community in Indian country is treated consistently for similar violations across the country.⁸
5. Review applications for regulatory program approval to ensure adequate compliance monitoring and enforcement authority.

SECTION IV. IMPLEMENTING OTHER CORE WORK

A. Cross-program Activities

1. Inspections and Off-site Compliance Monitoring Activities

EPA’s on-site federal compliance monitoring program is a critical component in the Agency’s array of compliance assurance tools to detect non-compliance, facilitate return to compliance, and to provide a deterrent effect. On-site inspections can vary in the scope of the review, including check-list type inspections, process-based inspections, and inspections that include monitoring and sampling. Off-site compliance monitoring also is a critical tool for detecting non-compliance. OECA will continue to track the number of on-site federal inspections/evaluations and off-site federal compliance monitoring activities conducted to enable us to assess facility compliance, create deterrence, support the permitting process, and create a level playing field among regulated entities. Additionally, OECA will measure the number of federal inspections conducted at facilities that affect communities with potential environmental justice concerns.

2. 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. EPA and states, territories, tribes, and local governments implementing approved programs use national compliance monitoring strategies for CWA-NPDES, RCRA, CAA, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and Toxic Substances Control Act (TSCA) programs. The CMSs provide a decision logic and structure for how states and 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.

⁸ 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.

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, and authorized states, territories, tribes, and local governments should implement the most recent 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 appropriate and resources allow.

3. 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 improve data quality and is working to modernize its data management systems and practices in partnership with state/local agencies, tribes, and territories, consistent with EPA's broader [Digital Strategy](#). OECA is following the model of shared governance with regard to data management and the use of compliance and enforcement data through structures such as the ECHO Governance Team, and the Integrated Compliance Information System (ICIS) Modernization Board.

EPA and states, territories, tribes, and local governments 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.).

4. Tips and Complaints

One of the many approaches EPA uses to carry out its responsibility to assure compliance with environmental laws is to seek help from the public by asking them to provide us with information about potentially harmful environmental activities in their communities and workplaces. Members of the public give EPA such information through telephone hotlines, letters, the EPA's online [Report Environmental Violations form](#), and other mechanisms. EPA uses these tips and complaints along with its other compliance-monitoring activities to identify areas where compliance and enforcement follow-up is warranted either at the federal, state, territorial, and tribal level. 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 and refer other tips and complaints to the state, territorial, tribal, or local authorized program. States, territories, tribes, and localities operating authorized programs should also consider public tips and complaints when performing their compliance and enforcement functions.

5. State and Direct Implementation Program Oversight and Improvement

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 performance of authorized states and EPA when they directly implement CAA, CWA and RCRA enforcement and compliance programs. 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).

EPA has continuously worked with states to identify and implement updates and improvements to the SRF program. EPA is currently in its fourth round of SRF reviews, which will continue through FY 2023. In FY 2017, OECA instituted an EPA Lean Management System measure to track and manage completion of SRF recommendations. The goal of this measure is to complete approximately 55 recommendations each year stemming from Round 4 reviews. In FY 2021, EPA began identifying how to update and improve the review process and metrics for the fifth round of SRF reviews. This process will continue in coordination with the states until the next round of SRF begins in FY 2024.

In addition to the existing SRF review process, EPA has begun piloting enforcement reviews under the SDWA and in Indian country. The SDWA enforcement review pilots, which began in FY 2021, are based on a narrow form of the State Review Framework and will complement the existing Data File Reviews that already occur in the program. The enforcement reviews will focus on activities after violation determination; assess enforcement actions; evaluate appropriate enforcement escalation; and ensure return to compliance. Likewise, the pilot enforcement reviews of programs in Indian country will seek to ensure consistency in Indian country enforcement across regions in relation to tribal-specific enforcement policies.

EPA Activities

Activities Where 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.
2. OECA will pilot and expand the use of enforcement reviews in SDWA and Indian country programs.

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

3. Focus oversight resources on state programs that are not meeting minimum national performance standards.
4. Conduct remaining Round 4 SRF reviews of state CAA, CWA, and RCRA enforcement programs following [SRF Round 4 guidance](#) issued in FY 2018 and enter completed draft and final SRF reports into the SRF Manager database.
5. Evaluate the effectiveness and measures of the SRF program before the implementation of Round 5 reviews.
6. Conduct Round 5 SRF reviews, which are scheduled to begin in FY 2024.

7. Discuss outstanding SRF recommendations with states as part of regularly scheduled annual program planning and review.
8. 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](#).
9. Elevate unresolved issues to OECA.

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.
6. **Field Activities: Inspector Credentialing, Quality Assurance Field Activities Procedures, and 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 headquarters and regional inspectors are trained and credentialed consistent with Agency guidance.
2. Continue developing new Smart Tools capabilities for CAA and TSCA led-based paint inspectors, while supporting and enhancing Smart Tools for RCRA, NPDES, underground storage tank (UST) and Good Laboratory Practices (GLP) 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. Implement the [Interim Policy on Inspection Report Timeliness and Standardization \(2018\)](#) (and then the subsequent final policy).
7. Specifically consider CAA 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.
8. 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.
9. 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 EPA's Central Data Exchange (CDX). In rare instances where this is not feasible, the data should be provided to EPA in another format.
2. Specifically consider CAA 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 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 Wiki⁹.

7. Per- and Poly-fluoroalkyl Substances

Contamination from PFAS is an important public health and environmental issue. EPA is investigating and pursuing enforcement to address releases of PFAS to the air, land, and water under TSCA, CWA, SDWA, RCRA, and under CERCLA, where appropriate. EPA is also working closely with our state and tribal counterparts to address PFAS concerns and contamination.

Regions should consider addressing PFAS contamination using imminent and substantial endangerment authorities, e.g., under SDWA section 1431, CWA section 504, and RCRA section 7003, as appropriate.

Federal facility agreements, which apply to CERCLA pollutants and contaminants, require federal agencies to address PFAS releases at federal facility National Priorities List (NPL) sites. Regions should continue to require federal agencies to respond as quickly and comprehensively as is warranted.

Regions should continue to assure compliance and take enforcement actions as necessary for violations of TSCA Section 5 Orders, Significant New Use Rules (SNUR), and low volume exemptions that govern the terms by which many PFAS may be manufactured and processed; and of TSCA Sections 4 and 8 testing and reporting requirements for PFAS.

8. EPA's Lead Strategy

Reducing lead continues to be a high priority for the enforcement and compliance program. To support this effort, OECA participates in the Agency's [Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#), issued for public comment October 2021 (Lead Strategy). The enforcement and compliance assurance program has committed to contribute to the each of the Lead Strategy's three key approaches, i.e.: (1) reduce lead exposures locally with a focus on communities with disparities and promote environmental justice; (2) reduce lead exposures nationally through protective standards, analytical tools,

⁹ Individuals with approved credentials can access this resource at https://inspector.epa.gov/inspector/index.php/Wiki_Home

and outreach; and (3) reduce lead exposures with a “whole of EPA” and “whole of government” approach. To that end, the Lead Strategy includes program-specific and cross-cutting commitments to Reduce Lead Exposure through Enforcement and Compliance Assistance (Lead Strategy Goal 1, Objective E).

Participation in the Agency’s Lead Strategy complements OECA’s continuing support of the [2018 interagency Federal Lead Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts](#). It also complements OECA’s [2019 designation](#) of the reduction of lead exposures as an FY2020-2023 “high priority,” under which OECA continues to lead or contribute to Agency-wide endeavors to increase compliance with, and awareness of the importance of, lead-safe practices; develop mapping tools and strategies to help identify communities with elevated lead exposures; and conduct targeted geographic initiatives.

B. Program-specific Activities

The following sections outline activities EPA and state, territory, tribal, and local governments, where authorized, should conduct in specific program areas in addition to those described in the above sections of this guidance.

1. Clean Air Act (CAA)

CAA Stationary Source Compliance Monitoring and Enforcement Program

The compliance monitoring and enforcement activities for the CAA Stationary Source Program are described below. See also section II.C.1 for a description of the *Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources* National Compliance Initiative.

EPA Activities

General EPA Activities

Help improve air quality across the nation. Focus compliance monitoring and enforcement work in underserved and overburdened communities. Look for opportunities to minimize the impacts of climate change.

Activities where EPA is Directly Implementing the Program

1. Conduct compliance monitoring and enforcement activities for programs that have not been delegated to states, territories, tribes, or local governments.
2. Ensure the most important air pollution problems are addressed by reducing the number of nonattainment areas and protecting vulnerable populations.
3. Use data analysis tools and other information such as non-attainment areas, ECHO Clean Air Tracking Tool (ECATT), Air Toxics Screening Assessment data, chemical toxicity data, tips and complaints, and input from delegated agencies, as appropriate, to assist with inspection targeting.
4. Continue a robust compliance monitoring and enforcement program to address violations and bring facilities back into compliance to protect air quality, deter noncompliance, and provide a level playing field for regulated entities across the country.
5. Evaluate sources with potential significant noncompliance in nonattainment areas or sources with potential significant noncompliance that contribute to

nonattainment.

6. Evaluate sources located near communities that are potentially emitting hazardous air pollutants in violation of the National Emission Standards for Hazardous Air Pollutants (NESHAPs).
7. Reduce methane and HAP emissions from oil and gas production and processing facilities, and from municipal solid waste landfills.
8. Support the development of programs and standards to reduce greenhouse gas emissions and evaluate sources subject to these programs.
9. Evaluate sources with an area source status that may be misclassified and, as a result, are improperly permitted or not permitted.
10. Continue to refer matters to and coordinate with the EPA's Center of Excellence for Ozone Depleting Substances (ODS).
11. Follow the recommended CMS minimum evaluation frequencies thereby ensuring a consistent level of evaluation and a level playing field for regulated entities across the country.

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

12. Communicate effectively with delegated agencies to ensure a clear understanding of expectations and consistency in the application of CAA regulations.
13. 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).
14. Negotiate CMS plans or ACMS plans with delegated agencies. Maximize the flexibilities by considering each agency's unique situation. Work together to develop strategies to reduce the number of nonattainment areas and address air pollution impacts to vulnerable populations.
15. Evaluate sources with potential significant noncompliance in nonattainment areas or sources with potential significant noncompliance that contribute to nonattainment.
16. Evaluate sources, located near communities, that are potentially emitting hazardous air pollutants in violation of the NESHAPs.
17. Evaluate sources with an area source status that may be misclassified and as a result, are improperly permitted or not permitted.
18. Continue reviewing state, tribal, and territory implementation plan submissions for enforceability and continue reviewing Title V permits.

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

1. Meet CMS negotiated commitments annually.
2. Make use of the flexibilities provided in the CMS or an applicable ACMS to engage in innovative compliance monitoring and to address local priorities and issues of concern.
3. Initiate enforcement actions as appropriate and work to timely resolve enforcement actions in accordance with national policy and guidance such as the HPV Policy and the FRV Policy.
4. Report compliance monitoring and enforcement data into ICIS-Air in a timely manner.

5. Identify areas where EPA can provide assistance and/or build capacity.
6. Identify and evaluate program areas that could become national priorities/compliance initiatives in the future.

CAA Title II, Fuels Enforcement Program

General Activities in the CAA Title II and the Act to Prevent Pollution from Ships (APPS) Fuels Enforcement Program, which EPA Directly Implements

1. Continue to investigate and prosecute violations of the fuels provisions of Title II of the CAA and APPS. Use compliance monitoring tools and enforcement authority to address violations and bring parties back into compliance to protect air quality, deter noncompliance, and provide a level playing field for regulated entities across the country.
2. Ensure that all fuel and fuel additives produced, imported, and sold in the United States meet required federal standards.
3. Ensure that transportation fuel sold in the U.S. contains a minimum volume of renewable fuel to reduce greenhouse gas emissions and reduce the use of petroleum fuels. Renewable fuel producers and importers generate a renewable identification number (RIN) for each gallon of renewable fuel. Petroleum refiners and importers must acquire RINs to comply. Ensure that anyone generating, transferring, or using RINs does so in accordance with the regulations.
4. Consistent with the CAA and the public interest, temporarily waive a control or prohibition respecting the use of a fuel or fuel additive in response to extreme and unusual fuel or fuel additive supply circumstances resulting from a natural disaster or another event that could not reasonably have been foreseen or prevented.
5. Continue to investigate and prosecute violations of marine fuel standards and requirements under the CAA and violations of international standards contained in Annex VI to the International Convention on the Prevention of Pollution from Ships (a treaty called MARPOL) under the authority of APPS.

CAA Title II, Vehicle and Engine Enforcement Program

The enforcement activities for the CAA Vehicle and Engine Program are described below. See also section II.C.3 for a description of the *Stopping Aftermarket Defeat Devices for Vehicles and Engines* National Compliance Initiative.

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

1. Continue to investigate and prosecute violations of prohibitions in section 203(a) of the CAA. Use enforcement authority to address violations and bring owners, manufacturers, and importers back into compliance to protect air quality, deter noncompliance, and provide a level playing field for regulated entities.
2. Ensure that vehicles, engines, and equipment are properly covered by EPA-issued certificates of conformity (or are properly exempt) when introduced into United States commerce. During EPA certification, ensure the original equipment manufacturers (OEMs) perform proper emissions testing and are forthright with the EPA about the design of their product. Focus areas include the use of undisclosed engine software, some of which may constitute illegal defeat devices. Other focus

areas include the failure to honor emissions warranties, report emissions defects, and otherwise inadequately maintain the emissions controls on vehicles, engines, and equipment during their useful lives.

3. Evaluate emissions controls on vehicles, engines, and equipment for illegal tampering. Focus on commercial fleets of trucks that remove filters and catalysts from their vehicles, and maintenance shops that remove emissions controls.
4. Evaluate companies that manufacture, sell, offer for sale and/or install 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. In partnership with CBP, target and inspect goods at the point of importation to determine whether vehicles, engines, and equipment being imported into the United States comply with the CAA. Advise CBP on whether to seize or otherwise refuse to allow goods into the United States.

CAA 112(r) Chemical Accident Prevention Compliance Assurance and Enforcement Program

The EPA’s Chemical Accident Prevention program requires approximately 12,000 industrial facilities that use or store certain listed toxic and flammable substances above certain threshold quantities to develop and implement an 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 of extremely hazardous substances. See also section II.C.6 for a description of the *Reducing Risks from Accidental Releases at Industrial and Chemical Facilities* National Compliance Initiative.

EPA Activities

General EPA Activities

1. 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).
2. Target a goal of conducting inspections at three percent of RMP facilities annually in FY 2023-2024.
3. Conduct at least 36% of RMP inspections at high-risk facilities. A limited number (less than 20%) of annual inspections may be RMP non-filer and/or CAA 112(r) GDC inspections.
4. Work collectively to address serious situations of non-compliance, with a focus on protecting overburdened, vulnerable, and underserved communities , from the risks posed by those facilities.
5. Investigate facilities that experience significant chemical accidents to determine compliance with CAA sections 112(r)(1) and (7) and pursue appropriate enforcement responses for violations.
6. As appropriate, evaluate facility compliance with Emergency Planning and Community Right-to-Know Act (EPCRA) sections 304 and 311/312 and CERCLA section 103 during all RMP inspections.

Activities Where EPA is Directly Implementing the Program

7. Directly implement the RMP program in non-delegated states, territories, tribes, and local governments.
8. Ensure compliance with the GDC obligations. The Clean Air Act does not give EPA the authority to delegate GDC.

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

1. Ensure compliance with the RMP requirements.
2. Initiate enforcement actions as appropriate and work to resolve them in a timely manner.
3. Report compliance monitoring and enforcement data to ICIS.

2. American Innovation and Manufacturing Act (AIM Act)

Hydrofluorocarbon Compliance Monitoring and Enforcement Program

The compliance monitoring and enforcement activities for the AIM Act HFC program are described below. See also section II.B, *Key Enforcement and Compliance Activities to Address Climate Change*.

General Activities in the Hydrofluorocarbon Compliance Monitoring and Enforcement Program, which EPA Directly Implements

1. Ensure the phase down of the production and consumption of climate-damaging HFCs in the United States by 85% over the next 15 years.
2. Together with the Office of Air and Radiation (OAR) and the Department of Homeland Security (DHS), lead a new federal interagency task force to prevent the illegal import and trade of HFCs.
3. In partnership with DHS's CBP, target and inspect goods at the point of importation to determine whether HFCs being imported into the United States comply with the AIM Act. Advise CBP on the final disposition of violative HFC imports.
4. Investigate and seek prosecution for civil and criminal violations of the AIM Act. Use compliance monitoring tools and enforcement authority to address violations and bring parties back into compliance to protect air quality, deter noncompliance, and provide a level playing field for regulated entities across the country.
5. Ensure that all HFCs regulated under the AIM Act and imported into the United States meet required federal standards.

3. Clean Water Act (CWA)

National Pollutant Discharge Elimination System (NPDES) Compliance Assurance and Enforcement Program

To date, 47 states and the Virgin Islands have applied for and received authorization from the EPA to implement the CWA Section 402 NPDES permit program. The EPA directly implements the program in three states (Massachusetts, New Hampshire, and New Mexico), 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 or territory is not fully authorized. Essential EPA compliance monitoring and enforcement activities for the CWA NPDES program are described below. See also section II.C.4 for a description of the *Reducing Significant*

Noncompliance with National Pollutant Discharge Elimination System Permits National Compliance Initiative.

EPA Activities

General EPA Activities

1. Conduct EPA NPDES compliance monitoring and enforcement activities to ensure CWA and regulatory requirements are met, supporting the EPA's initiative to reduce the rate of significant noncompliance in the CWA NPDES program (see section II.C.4).
2. While many municipalities with raw sewage and stormwater discharge problems are working to address these issues through enforceable long-term agreements, these types of water pollution still pose significant threats to our lakes, rivers, and streams. EPA will continue to address combined sewer overflows, sanitary sewer overflows and municipal separate storm sewer system violations and monitor the progress of these long-term agreements, ensuring they are adapted to include green infrastructure practices and new pollution control technology where appropriate.
3. EPA will continue to work with authorized states to identify and address illegal discharges of contaminated stormwater from industrial facilities and construction sites and to ensure all NPDES-regulated entities that need a stormwater permit have one, and are in compliance with it.
4. EPA, in collaboration with authorized states, will continue to conduct inspections and take enforcement actions to address CWA violations at concentrated animal feeding operations with the goal of protecting human health and reducing water quality impairment from animal wastes.
5. Continue to refer matters to and coordinate with EPA's Center of Excellence for Biosolids.
6. Provide hands-on technical assistance and training to overburdened systems in need of help returning to compliance via OECA's Compliance Advisor Program, in collaboration with regions, states and tribes.

Activities Where EPA is Directly Implementing the Program

7. Implement NPDES regulatory requirements for [electronic reporting](#).
8. To ensure the most important water pollution problems are addressed, 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 SNC/Category I violations.
10. Meet the timely and appropriate enforcement response guidelines in EPA's [NPDES Enforcement Management System](#) (NPDES EMS).
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. Encourage adherence to the EPA's [NPDES CMS](#) or an approved Alternative CMS.
13. Following joint planning, encourage authorized states to focus on ensuring that NPDES SNC/Category I violations are timely and appropriately addressed.
14. Conduct NPDES compliance and enforcement oversight.

15. Work with authorized states, territories, and tribes 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. Implement state enforcement response guidelines to ensure violations are timely and appropriately addressed.

CWA Section 404 Discharge of Dredge and Fill Material Compliance Assurance and Enforcement Program

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

EPA Activities

General EPA Activities

1. Consider referrals from U.S. Army Corps of Engineers (Corps) Districts under the 1989 memorandum of agreement ([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, territorial, and tribal agencies (e.g., 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, territorial, and tribal agencies, and stakeholders to identify CWA Section 404 violations.

Activities Where EPA is Directly Implementing the Program

6. 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)

7. 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, the MOA and applicable regulations governing administration of CWA Section 404 between the State of New Jersey and EPA Region 2, the MOA and applicable regulations governing administration of CWA Section 404 between the State of Florida and EPA Region 4, and the MOA and applicable regulations governing administration of CWA Section 404 for any state (with the appropriate EPA Region) which may assume the program.

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, the MOA and applicable regulations governing administration of CWA Section 404 between the State of New Jersey and EPA Region 2, the MOA and applicable regulations governing administration of CWA Section 404 between the State of Florida and EPA Region 4, and the MOA and applicable regulations governing the administration of CWA Section 404 for any state (with the appropriate EPA Region) which may assume the program. At present, Michigan, Florida, and New Jersey are the only states authorized to implement the CWA Section 404 program.

CWA Section 311 Oil Pollution Act Compliance Assurance and Enforcement Program

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

EPA Activities

1. Target, inspect, and investigate facilities subject to the EPA Oil Spill Prevention and Response Program per the [Office of Land and Emergency Management's \(OLEM's\) 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 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 oil discharge 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 (PHMSA), 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, as appropriate, for oil discharges in the coastal zone.
6. Coordinate with states to address jurisdictional oil discharges from 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 and deter future noncompliance.

4. Safe Drinking Water Act (SDWA)

SDWA Public Water Systems (PWSs) Compliance Assurance and Enforcement Program

Currently 49 states and the Navajo Nation have primary enforcement responsibility under SDWA Section 1413 for the PWS program (i.e., primacy). EPA directly implements the PWS program in Wyoming, the District of Columbia, and in Indian country (except the Navajo Nation). EPA still has an important oversight role where a state, tribe, or territory is the primacy agency and retains the authority to conduct compliance assurance 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 still in non-compliance with health-based standards since September 30, 2017. See also section II.C.5 for a description of the *Reducing Noncompliance with Drinking Water Standards at Community Water Systems* National Compliance Initiative.

EPA Activities

General EPA Activities

1. Conduct EPA compliance monitoring and enforcement activities to ensure: PWSs are complying with the SDWA and its regulatory requirements; a rapid response is implemented for PWSs whose noncompliance poses a risk to public health to ensure timely notice to impacted community, address provision of alternative water if appropriate, and enforcement actions are taken to address noncompliance or other risks to public health; 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 and other field activities to ensure that PWSs are addressing violations, 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. Provide hands-on technical assistance and training to overburdened systems in need of help returning to compliance via OECA's Compliance Advisor Program, in collaboration with regions, states and tribes.

Activities Where EPA is Directly Implementing the Program

5. Directly implement the program pursuant to SDWA Part B—Public Water Systems.
6. Develop strategies for targeting compliance assurance work and annual plans that consider the following focus areas as a high priority:
 - PWSs with violations and/or 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.
 - PWSs for which the EPA has reason to believe are at risk, including of future serious noncompliance (e.g., using predictive analytics).

7. Use the full suite of compliance assurance tools, including inspection and information gathering authorities under SDWA section 1445 and enforcement, as appropriate to ensure compliance with the SDWA and protection of public health.
8. Where appropriate, initiate enforcement actions pursuant to SDWA section 1414 to resolve violations of applicable requirements.
9. Where appropriate, utilize SDWA section 1431 to address potential imminent and substantial endangerments involving PWSs or underground sources of drinking water.

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

10. Oversee primacy programs to assess the effectiveness of SDWA Part B PWS program implementation and enforcement.
11. Conduct inspections, including EPA only or joint inspections with primacy programs, to ensure consistent identification of violations and deficiencies at PWSs.
12. Collaborate with primacy programs to conduct and review sanitary surveys.
13. In coordination with program offices, perform periodic evaluations of primacy agencies' enforcement programs. See also section IV.A.5 *State and Direct Implementation Program Oversight and Implementation*.
14. Following joint planning, encourage primacy programs to use the full suite of compliance assurance tools, including conducting inspections and enforcement, as appropriate.
15. Encourage regions to, where appropriate, initiate federal enforcement actions pursuant to SDWA section 1414 to resolve alleged violations.
16. Encourage regions to, where appropriate, utilize SDWA section 1431 to address potential imminent and substantial endangerments involving PWSs or underground sources of drinking water.

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

1. Conduct inspections and other field activities to ensure that PWSs are addressing violations, correcting identified significant deficiencies and are otherwise in compliance with SDWA.
2. Ensure appropriate intervention (including escalated enforcement) to resolve violations and prevent future serious noncompliance.
3. Take appropriate and prompt action, which may include public notice, provision of alternative water or enforcement when appropriate, to address time critical situations in which the public's health may be threatened.
4. As necessary, work with EPA to identify and evaluate program areas that could become national priorities/compliance initiatives in the future.
5. Work with EPA to pilot enforcement reviews of primacy agency drinking water programs.
6. When compliance schedules or orders are being developed, renewed, or modified, coordinate to ensure that they contain clear schedules and deadlines and allow for further intervention as appropriate.

SDWA Underground Injection Control (UIC) Compliance Assurance and Enforcement Program

EPA may enforce violations of applicable UIC requirements, under SDWA 1423, and may take action to address imminent and substantial endangerments to underground sources of

drinking water, under SDWA 1431. Many states have primary enforcement responsibility, or primacy, under SDWA Section 1422 or 1425 for the UIC program. EPA directly implements the UIC program in states, territories, and Indian country without primary enforcement authority. The EPA 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.

EPA may grant primacy for all or part of the UIC program. This means that in some jurisdictions primacy for certain well classes may be shared with EPA or divided between two different state, territory, or tribal authorities. EPA approved UIC primacy programs for well classes I, II, III, IV, and V in 32 states and three territories. Two states have primacy for well classes I, III, IV, and V and two states have primacy for Class VI. Additionally, there are seven states and two tribes that have primacy for Class II wells only. North Dakota and Wyoming are the only states with primary enforcement authority for UIC Class VI wells. EPA directly implements the Class VI program in all other states, territories, and in Indian country.

The compliance monitoring and enforcement activities for the SDWA UIC Program are described below.

EPA Activities

General EPA Activities

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 EPA is Directly Implementing the Program

3. Directly implement the program pursuant to SDWA and its implementing regulations at 40 C.F.R. Parts 144–149.
4. Conduct inspections to identify and resolve noncompliance and deter future noncompliance.
5. Initiate enforcement actions pursuant to SDWA section 1423 to resolve alleged violations, where appropriate.
6. Utilize SDWA section 1431 to abate imminent and substantial endangerments to public health stemming from contamination by UIC wells, where appropriate.

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

7. Oversee primacy programs to assess the effectiveness of UIC programs.
8. Initiate enforcement actions pursuant to SDWA section 1423 to resolve alleged violations, where appropriate.
9. Utilize SDWA section 1431 to abate imminent and substantial endangerments to public health stemming from contamination by UIC wells, where appropriate.
10. Report data to ICIS and the UIC Data Application per programmatic deadlines.

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

1. Implement the approved program consistent with codified authorities in 40 C.F.R. Part 147.
2. Coordinate with EPA to review draft primacy program regulations throughout the development process including drafting and finalizing stages.

3. Update or add finalized primacy UIC regulations in 40 CFR Part 147 to ensure proper codification and enforceability.
 4. Report data to ICIS and the UIC Data Application per programmatic deadlines
5. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

CERCLA Compliance Assurance and Enforcement Program

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. OECA will focus on the most significant sites in terms of human health and environmental impact.

General EPA Activities in the CERCLA Program, which EPA Directly Implements

1. Use CERCLA Enforcement Tools to Maximize PRP Performance and Payment for Cleanup
 - Find and engage with 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 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
 - Use prospective purchaser agreements, comfort/status letters and other enforcement tools to address the liability concerns of prospective purchasers and other third parties to foster the cleanup and redevelopment of Superfund sites.
4. Ensure Effective Use of Institutional Controls (ICs) to Protect Communities and Superfund Remedies
 - Support comprehensive IC assessment and planning in coordination with state and local partners to implement ICs earlier in the cleanup process.
 - Use enforceable mechanisms, monitoring systems, informational devices, and oversight strategies to ensure IC compliance and transparency with community stakeholders.

6. Resource Conservation and Recovery Act (RCRA)

RCRA Subtitle C and D Compliance Assurance and Enforcement Programs

The compliance monitoring and enforcement activities RCRA Subtitle C and D Programs are described below. See also section II.C.2 for a description of the Reducing Hazardous Air Emissions from Hazardous Waste Facilities National Compliance Initiative.

EPA Activities

General EPA Activities

1. Meet the inspection goals as stated in the RCRA CMS.
2. Environmental Justice: Prioritize compliance monitoring and enforcement of non-complying facilities that are located in vulnerable or overburdened communities and pursue additional benefits for these communities in settlements.
3. Climate Change: In addition to the co-benefit of reducing contribution to climate change through existing enforcement and compliance efforts (e.g., implementing the Coal Combustion Residuals program and bolstering emergency preparedness requirements of TSDFs vulnerable to impacts from extreme weather), use existing and possibly develop new targeted tools to reduce the production of greenhouse gas emissions from waste manufacturing and disposal. Under Subpart D, foster the implementation of greater enforcement and compliance of recycling activities, and a coordinated bolstering of recycling efforts (e.g., through encouraging actual recycling or purchasing recycled products for facility operations) through appropriate injunctive relief aimed at facility waste reduction. These waste reduction and recycling efforts will reduce greenhouse gases from waste by decreasing the number of extraction and manufacturing operations and the volume of waste placed in landfills (i.e., decrease methane emissions).

Activities Where EPA is Directly Implementing the Program

4. Directly implement the RCRA Subtitle C program. EPA currently directly implements the program in Alaska, Iowa, the Pacific Territories, Puerto Rico, Virgin Islands, and Indian country.
5. Meet statutory requirements to conduct a minimum number of inspections annually for TSDFs, operated by federal, state/local governments, and biennially for non-governmental TSDFs.
6. 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:
 - PFAS: Consistent with EPA's [PFAS Strategic Roadmap](#), EPA will seek to hold polluters and other responsible parties accountable for cleaning up contamination and ensuring responsible PFAS management that prevents future releases to the environment. In addition, when taking action on PFAS, EPA will ensure that disadvantaged communities have equitable access to solutions.
 - RCRA AA/BB/CC Ensure that all RCRA Comprehensive Evaluation Inspections (CEIs) at TSDFs and LQGs assess applicability of the hazardous waste air emission standards and, where possible, include LDAR monitoring. Regions should coordinate with OECA in advance of a planned inspection if it will not include LDAR monitoring in case additional resources can be made available. Also see section II.C.2 for more information on the NCI.

- Off-Site Compliance Monitoring: Participate in data collection efforts on outcomes related to use of off-site compliance monitoring.
- 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 treatment standards for land disposal.
- RCRA Data Integrity: Perform analyses of different sources of generator data (e.g., e-Manifest, Metabase, BR data, TSDF reports) to enhance targeting efforts and identify instances of non-reporters, conflicting data, and potential underreporting. Regions are encouraged to use Smart Tools to capture inspection and off-site compliance monitoring data to enhance data integrity.
- Core-RCRA Requirements: Assure compliance and enforcement of core RCRA requirements such as generator status, hazardous waste determinations, and proper treatment and disposal.
- RCRA Corrective Action: Target and investigate 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.

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

7. Track TSDF inspection frequency for both operating and closed-with-waste-in-place facilities consistent with the legal provisions and policies described in the RCRA CMS.
8. Encourage states to participate in data collection on outcomes related to off-site compliance monitoring.

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

1. Meet statutory requirements to conduct a minimum number of thorough inspections annually for TSDFs operated by federal, state/local governments, and biennially for non-governmental TSDFs.
2. Address, in annual work plans, the annual inspection goals stated in the RCRA CMS. States may use the flexibilities described in the RCRA CMS.
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 Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program

EPA Activities

General EPA Activities in the RCRA CCR Compliance Assurance and Enforcement Program

1. Assess compliance with the CCR Rules, including reviewing documents posted to facility CCR web sites, and develop appropriate enforcement responses.
2. Support OLEM and the efforts to establish and implement the overall CCR program.

Activities Where EPA is Directly Implementing the Program

3. Utilize EPA’s authority to enforce requirements for CCR surface impoundments and landfills. Prioritize and address the most serious CCR violations at coal burning utilities, which may include assessing appropriate penalties and developing injunctive relief to address violations at those CCR units that pose the greatest risk to human health and the environment of the communities around the facilities.
4. Coordinate compliance assessments and enforcement actions, as necessary, with states that do not have an approved CCR program, and offer general and subject-specific CCR training for states that request such training.

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

5. Support states as they continue to implement their approved CCR programs and ensure facility noncompliance is addressed through collaborative efforts between the states and EPA, as appropriate.
6. Offer CCR training opportunities.

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

1. Coordinate with EPA to implement and enforce the CCR regulations.
2. Assess compliance with the approved program and take enforcement action as necessary.

RCRA Underground Storage Tank (UST) Subtitle I Compliance Assurance and Enforcement Program

A major focus of the 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.

EPA Activities

Activities Where EPA is Directly Implementing the Program

1. Directly implement the UST program where a state or territory has not received program approval and is not operating under a memorandum of agreement with EPA, and in Indian Country.
2. Continue to further integrate environmental justice considerations into the National UST Enforcement Program. This includes, but is not limited to, conducting environmental compliance monitoring of UST facilities in communities with environmental justice concerns.
3. Inspect USTs at least once every three years to determine compliance with RCRA Subtitle I and the underground storage tank regulations.
4. Consider the following focus areas as high priority when developing strategies for monitoring compliance:
 - New UST operation and maintenance requirements:
 - ✓ Walkthrough inspections.
 - ✓ Periodic testing requirements: Three-year spill equipment, containment sumps used for interstitial monitoring, and overfill prevention equipment.
 - ✓ Annual release detection equipment.
 - UST systems deferred in the 1988 UST regulations.

- UST system Class A, B, and C operator training/verification of knowledge requirements met (new 2018 requirement).
5. Utilize cost-effective tools such as field citations or expedited settlements, when appropriate, including through implementation of a three-year Pilot to improve compliance at tribal UST facilities. <https://www.epa.gov/enforcement/tribal-underground-storage-tank-compliance-pilot>
 6. Optimize compliance and deterrence by addressing noncompliance on a corporate-wide basis.
 7. Work with the states on enforcement-related matters (including the use of delivery prohibition, where appropriate) to address significant noncompliance.

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

8. 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 deterrence by utilizing efficiencies including the use of delivery prohibition and addressing noncompliance on a corporate-wide basis where possible.
5. Ensure compliance with UST compatibility requirements with new and emerging fuels

7. Toxic Substances Control Act (TSCA)

TSCA Lead Risk Reduction Compliance Assurance and Enforcement Program

The compliance monitoring and enforcement activities for the TSCA Lead Risk Reduction Program are described below. EPA implements the Lead Disclosure Rule (LDR) nationwide. Most states are authorized to implement and enforce programs equivalent to the Lead-based Paint (LBP) Activities Rule, and a small number of states and tribes are authorized to implement and enforce federally equivalent Renovation, Repair and Painting (RRP) programs. OECA work also supports EPA's 2021 [Draft Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#) (Lead Strategy); the 2018 [Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts](#); and OECA's designation of the reduction of childhood lead exposure as a "high priority" in OECA's [memorandum identifying FY 2020-FY 2023 National Compliance Initiatives](#).

EPA Activities

General EPA Activities

The compliance monitoring and enforcement activities for the LBP program focuses on the RRP Rule and on assuring compliance with and developing only the most impactful LDR cases. The activities include National Focus Areas and approaches (below) that regions are expected to incorporate into their programs to maximize the deterrent effect of enforcement actions while supporting and complementing existing regional LBP compliance assurance plans. Overall, Regions should:

1. Work on National Focus Areas to target compliance monitoring and, as appropriate, take cases against regulated entities whose noncompliance with LBP requirements could have the greatest impact on potential lead exposures; and follow the national implementation principles identified for any National Focus Area.
2. Conduct inspections and other compliance monitoring activities in accordance with applicable guidance, including but not limited to the Inspection Manual for the Lead RRP Rule.

Activities Where the EPA is Directly Implementing the Program

3. National Focus Areas – Entities with Far-Reaching Influence: Regions should focus resources on and prioritize investigations of regulated entities that have potential far-reaching influence on the compliance landscape and take enforcement actions, as appropriate. Having far-reaching influence on compliance is demonstrable, for example, by performing numerous noncompliant renovations, or by performing only a few noncompliant renovations but having them promoted to influence a large population, or by managing or conducting a large number of transactions requiring lead disclosure. Such entities may include (but are not limited to) businesses that operate through multiple locations throughout a state, region or nationwide; a large business that operates through a single location that conducts many renovations or manages many properties; or a small entity whose violative conduct is broadcast on national television.
4. Geographic Initiatives (also known as a Lead Hot Spot or Place-based Initiatives): Regions are expected to continue to use geographic approaches to focus EPA's compliance and enforcement resources for maximum impact. In addition to working in the National Focus Area described above, regions should conduct at least one geographic initiative per year, and the initiative(s) should strive to effectuate OECA's

commitments in EPA's Lead Strategy. The geographic initiative may be in conjunction with the National Focus Area, or a regional lead initiative (if any), or separately. Regions should consider locales based on factors discussed in the geographic initiative's implementation principles and the TSCA Compliance Monitoring Strategy which include, among other things, indicators of disproportionate impact from lead exposures, environmental justice concerns, a concentration of elevated blood-lead levels and/or pre-1978 properties, and opportunities to partner with other co-regulators. Regions are encouraged to include compliance assurance performance-indicators such as, for example, increases in the number of certified firms and renovators, abatements, and other lead hazard reduction in the geographic area of focus.

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

5. 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.
6. 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. Utilize 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 Compliance Assurance and Enforcement 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 and communities with EJ concerns. Proper implementation of the TSCA amendments is one of EPA's top priorities.

EPA Activities in the Core TSCA Compliance Assurance and Enforcement Program, which EPA Directly Implements

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.

4. 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 section 5 order and SNUR requirements.
5. TSCA Existing Chemicals Use and Risk Management Rule Compliance (TSCA section 6): OECA and Regions should monitor compliance with rules that eliminate the unreasonable risk presented by the regulated chemical substance (e.g., Methylene Chloride Rule) and take enforcement actions, as appropriate.
6. TSCA Existing Chemicals Information Reporting (sections 4 and 8): OECA and Regions should monitor compliance with existing chemical reporting and record keeping requirements such as the 2020 Chemical Data Reporting Rule, requirements as well as subsequent reporting period submissions. OECA and Regions also should prioritize following up on information regarding potential noncompliance with substantial risk notifications under TSCA section 8(e).
7. Border Compliance (TSCA sections 5, 6 and 13): OECA and Regions should monitor chemical substances and articles imported into the United States for compliance in coordination with 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).
8. For items above, OECA and regions should place special emphasis on chemicals of concern such as PFAS, Persistent, Bioaccumulative, and Toxic (PBT) substances, and other high priority substances identified in EPA's Chemical Prioritization Process.

TSCA Polychlorinated Biphenyls (PCBs) Compliance Assurance and Enforcement Program

The PCB program under TSCA § 6(e) covers the manufacture, processing, distribution in commerce, use, disposal, and cleanup of PCBs. The program is federally implemented and not delegable to states, territories or tribes. However, eight states, through cooperative agreements, conduct inspections with federal credentials on EPA's behalf.

EPA Activities

General EPA Activities

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 and sub-populations (children).

Activities Where EPA is Directly Implementing the Program

3. The following areas are high priority nationally significant focus areas when developing plans for compliance monitoring and enforcement:
 - PCB spills, abandoned buildings still containing electrical equipment and uncontrolled disposal sites, located in communities with EJ concerns and other large residential communities, should be inspected. Responsible parties or redevelopers, able to remediate these sites, should be compelled through enforcement mechanisms 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, as those resources are available.

- Unapproved facilities (e.g., used oil recyclers, wastepaper recycling mills) should be inspected as resources permit. When these facilities have effluent discharges subject to sections 402 or 306(b) of the Clean Water Act, inspections should be coordinated with appropriate federal and state programs.
- Respond to “tips and complaints” that have the potential for illegal disposal or significant exposure to PCBs.

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

The TSCA PCB program under TSCA § 6(e) is federally implemented and cannot be delegated. However, most states and territories regulate PCBs under their state clean water, clean air, or hazardous waste programs.

5. EPA will continue to explore opportunities to coordinate compliance monitoring and enforcement activities with states that regulate PCBs under state programs and territories and tribes that develop such programs.

Expectations for State, Territory, Tribal Programs with EPA PCB cooperative agreements

1. Implement the agreed-upon work plan in cooperative agreements, where applicable.

TSCA Asbestos Hazard Emergency Response Act (AHERA) Compliance Assurance and Enforcement Programs

EPA is responsible for implementing the TSCA asbestos program in most of the states. Pursuant to AHERA, EPA may waive federal requirements in states that have established and are implementing an asbestos inspection and management program. EPA retains oversight authority in waiver states. In addition, other states have not sought a waiver but have entered into a cooperative agreement with EPA to conduct inspections on behalf of EPA. After conducting inspections, these states refer cases to EPA for enforcement as appropriate. Both waiver and non-waiver states receive grants from EPA.

EPA Activities

General EPA Activities

1. Work on AHERA cases to prevent or eliminate releases of asbestos to the environment.
2. Focus primarily on exposures to children and vulnerable communities.

Activities Where EPA is Directly Implementing the Program

EPA’s intent is to provide flexibility for regional TSCA initiatives to consider unique regional situations and available resources. EPA regions opting to engage in compliance monitoring and assurance activities for the TSCA Asbestos/AHERA program should:

3. Address the most egregious violations of AHERA consistent with the TSCA CMS, the TSCA Inspection Manual, and the Enforcement Response Policy (ERP).
4. In states that have non-waiver status, review and evaluate inspection reports to determine the appropriate enforcement response.

5. For states and tribes that do not have a cooperative agreement with the EPA, address asbestos worker protection issues not covered by the Occupational Safety and Health Administration when possible.
6. Utilize EPA's AHERA Center of Excellence to foster asbestos compliance monitoring and enforcement activities.

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

7. EPA will continue to explore additional means to assist states, territories, tribes, or local governments with asbestos issues.

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

1. Waiver states take enforcement actions under state law.
2. In non-waiver states, submit completed inspection reports to EPA region for review and enforcement action as appropriate, consistent with the state-EPA cooperative agreement.

8. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

FIFRA Compliance Assurance and Enforcement Program

The compliance monitoring and enforcement activities described below should be implemented to help ensure compliance with FIFRA and its implementing regulations.

EPA Activities

Activities Where the EPA is Directly Implementing the Program

1. Directly implement the FIFRA program consistent with the FIFRA CMS including, but not limited to, conducting GLP inspections to monitor compliance with regulatory requirements for conducting studies that support pesticide registrations.
2. EPA Regions should consider the following focus areas as high priority when targeting compliance assurance work and developing annual plans for respective activities in the regions:
 - eCommerce— The eCommerce environment presents many opportunities for noncompliant FIFRA products to reach consumers as it lacks the typical safeguards of brick-and-mortar entities. Activities in this area include, but are not limited to, identifying and monitoring websites that are involved in the sale (including offering for sale) or application of pesticides and/or pesticide devices that claim to control pests such as viruses, bacteria, or other microorganisms that pose a threat to human health. Enforcement action should be taken where warranted, particularly for products that pose a high risk of harm to human health or the environment. Examples of products of concern in the eCommerce environment include but are not limited to unregistered pesticides, pesticides with unapproved claims, pesticides, or pesticide devices with false or misleading claims, restricted-use pesticides, Toxicity Category 1 pesticides, and other products of regulatory concern.
 - Product Integrity—Conduct inspections, including sample collection for laboratory analyses, at marketplaces (particularly those in communities with potential environmental justice concerns) and pesticide production establishments to monitor compliance with FIFRA requirements pertaining to establishment and pesticide registration, packaging, label and labeling contents, efficacy, composition, and reporting.

- **Import Compliance**—To prevent illegal pesticides and pesticide devices from entering U.S. channels of trade, leverage data resources, such as the Automated Commercial Environment and the FIFRA Section Seven Tracking System, for the selection of targets for desk audits and inspections of incoming pesticide shipments, and support national operations initiatives conducted by CBP’s Commercial Targeting and Analysis Center.

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

3. Continue collaboration between EPA and states, territories, and tribes through existing FIFRA authorities to effectively protect human health and the environment against harm from pesticides and pesticide devices through:
 - **Cooperative Agreements**—Negotiate and oversee implementation of and review state, territory, and tribal performance under pesticide enforcement cooperative agreements following existing policies and guidance including, but not limited to, the FIFRA Cooperative Agreement Guidance and the National Program Guidance.
 - **Collaborative Compliance Assurance**—Work with states, territories, and tribes to support one another’s compliance monitoring and enforcement activities consistent with the respective authorities established under FIFRA.

9. **Emergency Planning and Community Right-to-Know Act (EPCRA)**

EPCRA 313 Toxics Release Inventory (TRI) Compliance Assurance and Enforcement Program

The EPCRA section 313 TRI program provides information on chemical releases entering the environment. Accurate TRI data is critical as it is used by local, tribal, territorial, state, and federal agencies as well as multiple stakeholders. The EPA is committed to ensuring that companies report accurately and within the required timeframe, so the publicly available database remains accurate and inclusive. The compliance monitoring and enforcement activities for the EPCRA section 313 TRI program are described below.

EPA Activities in the EPCRA 313 TRI Compliance Assurance and Enforcement Program, which EPA Directly Implements

1. OECA’s TRI Center will maintain credentialed TRI inspector(s) and will identify, develop, and appropriately litigate/resolve complex, national (multi-facility, multi-region) TRI cases.
2. EPA regions are expected to integrate TRI compliance monitoring into their inspection processes and protocols when inspecting a facility subject to other statutory requirements (e.g., TSCA, CAA, RCRA, and/or CWA). Regions are encouraged to use the screening TRI checklists developed by the TRI Center to determine whether a multimedia facility is likely subject to EPCRA section 313.
3. Each region should identify, develop, and appropriately litigate/resolve TRI violations in cases developed as part of a multimedia inspection, or from a TRI inspection, as resources allow. TRI violations can be litigated/resolved separately or as part of a multimedia case.
4. Regions should prioritize compliance monitoring of targets based upon their own regional priorities and, as resources allow, categories of concern including potential never-reporters, non-reporters, facilities with potential significant data quality issues, and potential chronic late-reporters.

5. Regions should address the priorities developed by OECA, in coordination with the Office of Chemical Safety and Pollution Prevention (OCSPP), including communities, particularly those with EJ concerns, chemicals including those with climate impact, new regulations, chronic late filers, and facilities whose releases have the most impact on the TRI database.
6. Each region should maintain cross-trained TRI credentialed inspector(s) who conduct TRI inspections when inspecting facilities subject to other statutory requirements (e.g., TSCA, CAA, RCRA and/or CWA). As part of the integration of TRI into other media inspections and cases, each region should incorporate OECA/OCSPP developed TRI targeting information when identifying and prioritizing targets for air, water, or waste inspections.
7. OECA and the regions should work with the TSCA, CAA, RCRA, and CWA compliance and enforcement programs to add questions about EPCRA compliance to information requests or inspection checklists where appropriate, evaluate the responses and take appropriate enforcement actions, consistent with national policy, or combined with other enforcement actions.
8. The regions are responsible for ensuring that activities demonstrating inclusion of TRI as a component of multimedia compliance monitoring and enforcement activities are captured and reported into ICIS and/or reported to the TRI Center so activities can be included in an Annual Results report.

10. Federal Facilities

The compliance monitoring, compliance assistance and enforcement activities for the federal facilities compliance assurance and enforcement program are described below:

EPA Activities

General EPA Activities

1. Hold the federal government accountable to the same standard of environmental compliance as other members of the regulated community.
2. Focus resources to ensure federal facilities' compliance under EPA's NCIs and other agency priority areas. As part of the NPDES NCI and noncompliance with drinking water standards NCI, engage and reach out bi-annually to federal agency headquarters to reduce NPDES SNC rates and improve compliance with drinking water requirements.
3. Focus resources to address other Agency priority areas including PFAS, communities with environmental justice concerns, public health threats posed by lead exposure, including lead-based paint exposure in military housing, and climate change.
4. Except where EPA directly implements a regulatory program, work with state, territorial, tribal, and local government partners to address noncompliance at federal facilities, and when appropriate, collaboratively work towards coordinated compliance monitoring and response actions, or the assignment of appropriate roles for each entity.
5. Build the capacity of state, territorial, tribal, and local governments to address noncompliance at federal facilities.
6. Provide compliance assistance to regulated federal entities, e.g., through FedCenter, to improve federal facility compliance with regulatory requirements.
7. Use appropriate enforcement response, as warranted, and employ the creative use of EPA enforcement and settlement tools, supplemental environmental projects,

and self-disclosures to achieve expedited settlements and other consent agreements in accordance with EPA policy.

8. Meet statutory requirements to conduct a minimum number of annual inspections of TSDFs under RCRA at federal facilities.
9. Take timely and appropriate enforcement actions to address and deter noncompliance at federal facility Superfund NPL sites.
10. Expedite cleanup and redevelopment, and ensure cleanup adheres to federal facility dispute timelines.
11. Use enforcement tools and authorities, as appropriate, to investigate and address federal sites with emerging contaminants, such as per and polyfluorinated chemicals.
12. Partner and build relationships across the federal family to help identify and address compliance issues through strategic collaborative efforts.

Activities Where EPA is Directly Implementing the Program

13. Address noncompliance at federal facilities with an appropriate EPA response, including the use of compliance assistance, compliance monitoring, or formal enforcement.
14. Consult and collaborate with state, territorial, tribal, and local government partners, and other impacted stakeholders as appropriate to ensure the protection of public health.
15. Meet all statutorily required federal facility inspection requirements.

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

16. Provide leadership and assistance in addressing federal facility noncompliance when the unique or limited federal facility environmental enforcement authorities and other special considerations in federal facility enforcement inhibit a state's, territory's, or tribe's ability to act to address the noncompliance.
17. Meet, in conjunction with authorized state and tribal regulators, all statutory federal facility inspection requirements, including the RCRA TSDF annual inspection requirement for federal facilities.
18. Build the capacity of authorized state, territorial, tribal, and local government partners, through joint planning, compliance monitoring, capacity building, and the employment of appropriate enforcement strategies to address federal facility noncompliance.

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

1. Work with the EPA and other partners to identify roles and responsibilities for employing appropriate compliance assurance tools.
2. Ensure federal facility noncompliance is addressed through collaborative efforts with the EPA and other partners if appropriate.

11. Criminal Enforcement Program

The criminal enforcement program investigates and assists in the criminal prosecution of known violations of United States environmental laws as well as any associated violations of the U.S. criminal code, such as wire fraud, smuggling, or obstruction of justice. The program frequently works with other federal law enforcement agencies and will continue to work with federal, state, territorial, and tribal government environmental programs. The criminal enforcement program looks for opportunities to advance EPA's National Compliance

Initiatives and advances work towards the deterrence of criminal conduct on the part of regulated entities. The program will work with EPA civil enforcement and program offices in OECA and the regions to enhance the case screening process to ensure the most appropriate use of agency resources.

General EPA Activities in the Criminal Enforcement Program

The OECA Civil Enforcement Program, along with EPA regions, will coordinate with the Office of Criminal Enforcement, Forensics and Training (OCEFT) 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.

OCEFT will:

1. Develop priorities for case selection to support the goals of the Agency's Strategic Plan.
2. Conduct case docket reviews to track the progression of the most significant criminal investigations and determine which cases require additional coordination and headquarters resources
3. Provide training to civil regulatory counterparts (EPA, state, territory, tribal, and local governments) to identify criminal conduct.
4. Evaluate new and emerging technologies for enhanced targeting to develop new investigations.
5. Analyze enforcement and compliance information to identify potential criminal violations.
6. Work with the U.S. Department of Justice when developing environmental crime case resolutions (e.g., restitution), pursuant to information obtained under the Crimes Victim's Rights Act.
7. Provide training to state, tribal and local law enforcement partners, building capacity and empowering them to identify, report, and address environmental violations.
8. Continue international enforcement efforts to combat the illegal transnational smuggling of materials that violate U.S. environmental laws.
9. Manage OCEFT's internationally accredited forensics laboratory, providing data, analysis, and multi-disciplinary expert teams in support of criminal and civil investigations.

SECTION V. 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 stat, territories, and tribal cooperative agreements

and to provide information on work plan generation, reporting and other requirements. The [FY 2022-2025 FIFRA Cooperative Agreement Guidance](#) was issued in 2021.

B. TSCA Compliance Monitoring 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:

- [Office of Congressional and Intergovernmental Relations \(OCIR\) National Program Guidance](#)
- [EPA's NEPPS Website](#)
- [EPA Assistance Listings, Performance Partnership Grants \(sam.gov\)](#)

SECTION VI. FY 2023 NATIONAL PROGRAM MEASURES

OECA is aligning its priorities and activities to reflect the Agency’s FY 2022-2026 Strategic Plan objectives. The enforcement and compliance assurance program supports the Agency goals to follow the science, follow the law, be transparent, and advance justice and equity. OECA’s measures in this NPG will further EPA’s goal to be consistent and systematically fair, just, and impartial as we address environmental justice, climate change, air and water quality, land revitalization, and chemical safety.

FY 2023 National Program Guidance Measures

Subject Area (optional)	BFS Code (optional)	Measure Text	FY 2023 National Planning Target (optional)	Comments/Clarification
	409	Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities	10,000	EPA National Total
		Percent of federal annual EPA inspections at facilities that affect communities with potential environmental justice concerns	50%	EPA National Percentage
	444	Percentage of EPA inspection reports sent within 70 days of inspection	75%	EPA National Percentage
	436	Number of all referred no complaint filed (RNCF) civil judicial cases more than 2.5 years old	96	EPA National Total
	446	Percentage of Clean Water Act National Pollutant Discharge Elimination System (NPDES) permittees in significant noncompliance with their permit limits	10.1%	EPA National Percentage

SECTION VII. CONTACTS

Instructions: Begin this section on a separate page. Use the following table to identify primary contacts for each subject and/or program area.

Subject/Program Area	Contact Name	Phone	Email
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Compliance Monitoring	Elizabeth Vizard	202-564-5940	vizard.elizabeth@epa.gov
Criminal Enforcement	Mary Goetz	816-800-2219	goetz.mary@epa.gov
Federal Facilities	Aimee Hessert	202-564-0993	hessert.aimee@epa.gov
Indian Country and Tribal Government Issues	Jonathan Binder	202-564-2516	binder.jonathan@epa.gov
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