Office of Land and Emergency Management

Draft FY 2025-2026 National Program Guidance

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Contents

SECTION I. INTRODUCTION

The Office of Land and Emergency Management (OLEM) is the national program manager for a variety of land-based programs. OLEM is responsible for the Superfund Removal and Remedial programs, the Resource Conservation and Recovery Act program, the Brownfields program, the Underground Storage Tank program, the Emergency Response and Management program, the Federal Facility Oversight program, and the Mining Sites program. OLEM also collaborates with other agency programs on cross-media issues. Additional information concerning agency-wide practices, including discussions with state, Tribal and territorial partners to identify priorities[1], and applicable requirements critical to implementing EPA's environmental programs is described in the EPA's Overview to the National Program Guidances (NPG).[2]

OLEM strives to effectively limit human exposures to harmful contaminants and environmental degradation through prevention, preparedness, assessment, cleanup and revitalization activities. To achieve these outcomes, OLEM partners with states, Tribes, local communities, and industry. To inform its NPG, OLEM seeks input from its state and Tribal partners on upcoming priorities and issues.

The OLEM programs directly affect America's communities. In accordance with the Administration's Justice40 initiative, OLEM is committed to finding opportunities to identify and address environmental justice and civil rights concerns and ensure that at least 40 percent of the benefits from federal investments in waste infrastructure, and remediation and reduction of legacy pollution flow to disadvantaged communities. Those efforts will be fulfilled at the local and national levels in a manner which includes meaningful community involvement and partnering opportunities for the public. OLEM programs will work in cooperation with our EPA colleagues to collaborate at every opportunity on intersecting projects.

Exposure to lead, especially in childhood, is linked to negative cognitive, developmental, and other health effects. Reducing childhood lead exposure remains one of the agency's top priorities, as outlined in the *Strategy to Reduce Lead Exposures and Disparities in U.S. Communities*[3]. OLEM has established a strategic goal to protect families, particularly children, by reducing exposure to lead and associated health impacts. OLEM will continue to perform removal and remedial cleanup actions at Superfund sites as a key indicator supporting this goal. This work will include applying EPA's January 2024 *Updated Soil Lead Guidance for CERCLA Sites and RCRA Corrective Acton Facilities*[4], which lowered lead screening levels for residential

[1] In developing this guidance, OLEM carefully reviewed and considered the state, Tribal, and territory priorities identified through its early engagement process.
[2] For additional background, please see https://www.epa.gov/planandbudget/national-program-guidances-npgs.
[3] The *Strategy to Reduce Lead Exposures and Disparities in U.S. Communities* can be found here https://www.epa.gov/system/files/documents/2022-11/Lead%20Strategy_1.pdf
[4] The *Updated Soil Lead Guidance for CERCLA Sites and RCRA Corrective Acton Facilities* can be found here *https://www.epa.gov/superfund/updated-soil-lead-guidance-cercla-sites-and-rcra-corrective-action-facilities*

properties to be more protective and consistent with the best available science. EPA expects a significant number of properties to undergo evaluation based on this change, as well as additional work at ongoing, closed, and deleted residential lead NPL sites. Since lead exposure often comes from multiple sources, OLEM partners with other EPA programs and federal agencies to identify the most effective ways to reduce lead exposure and associated harm.

OLEM supports the EPA Council on PFAS's efforts to further the science and research concerning per- and polyfluoroalkyl substances (PFAS), to restrict these dangerous chemicals from getting into the environment, and to immediately move to remediate the problem in communities across the country. EPA is partnering with other federal agencies, states, Tribes, and local communities to assess the nature and extent of PFAS contamination and will coordinate with responsible parties and lead federal agencies to identify and use effective remediation approaches. As part of the agency's PFAS Strategic Roadmap[5], OLEM will issue a rule or regulation to designate PFOA and PFOS as CERCLA hazardous substances and will propose adding several PFAS as RCRA hazardous constituents. Additionally, OLEM will issue an update to its Interim Guidance on the Destruction and Disposal of PFAS to help protect the public from harmful exposures.

To expedite cleanup progress on contaminated Alaska Native Claims Settlement Act (ANCSA) lands, OLEM continues to support funding requests to inventory and support the cleanup of these sites, many of which were contaminated while not under Alaska Native ownership. Contaminants on some of these lands – arsenic, asbestos, lead, mercury, pesticides, PCBs, and other petroleum products – pose health concerns to Alaskan Native communities, negatively impact subsistence resources, and hamper economic activity.

EPA released the *National Recycling Strategy: Part One of a Series on Building a Circular Economy for All* in November 2021. This was the first in a series of strategies the agency is developing to build a stronger, more resilient, and cost-effective recycling system and a circular economy for all. EPA recognizes that an improved recycling system alone will not achieve the kind of results needed to improve our communities, reduce climate impacts, and create jobs. More recently, in December 2023, EPA released the *Draft National Strategy to Prevent Plastic Pollution* and the *Draft National Strategy for Preventing Food Loss and Waste and Recycling Organics.* Other strategies will focus on textiles and the built environment.

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

[5] For more information on the PFAS Strategic Roadmap, please see https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024.

Further, delegated or authorized state and Tribal agencies may raise specific activities for discussion with the appropriate senior EPA regional manager(s) when developing their grant work plans. Regions are encouraged to work with states and Tribes where E-Enterprise strategies could streamline or improve business processes using joint governance to collaborate for efficiencies. The appropriate OLEM Office Director will be ready to assist should regional management wish to discuss state, Tribal or local issues.[6]

[6] For more information about seeking programmatic flexibility within Performance Partnership Grants, and the benefits of these grants generally, please see https://www.epa.gov/sites/default/files/2015-12/documents/best_practices_guide_for_ppgs_with_states.pdf.

SECTION II. KEY PROGRAMMATIC ACTIVITIES

Superfund Remedial

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

In thousands of rural and urban communities around the country, the Superfund Remedial program protects people and the environment from the dangers posed by legacy hazardous waste sites from past industrial activities. Cleaning up Superfund sites means communities can move to reuse a site in the way the community envisions. Superfund cleanups facilitate job creation and provide economic benefits to communities. In 2023, Superfund sites in reuse supported 10,261 businesses that employed more than 237,054 people and generated more than $18.8 billion in employment income[7]. Approximately 23 percent of the U.S. population lives within three miles of a Superfund site, and this population is predominantly people of color, low income, linguistically isolated, and less likely to have a high school education than the U.S. population as a whole.[8]

The Infrastructure Investment and Jobs Act of 2021 (IIJA) invested an unprecedented $3.5 billion in environmental remediation at Superfund NPL sites to address legacy pollution, while creating good-paying jobs, advancing environmental justice, and eliminating the backlog of Superfund sites awaiting funding to begin construction in the process. EPA expects all IIJA funds available for site work to be allocated by the end of FY 2024 and will transition construction work to other sources of funding, including the Superfund excise taxes, in FY 2025.

[7] For additional information concerning redevelopment economics at Superfund sites, please see https://www.epa.gov/superfund-redevelopment/redevelopment-economics-superfund-sites

[8] U.S. EPA, Office of Land and Emergency Management 2023. Data collected includes: (1) Superfund site information from SEMS as of the end of FY 2022 and site boundary data from EPA Shared Enterprise Geodata Services (SEGS) 2023 and (2) population data from the 2017-2021 American Community Survey.

In fiscal years 2025-2026, the Superfund Remedial program will continue to act on the following program priorities to protect human health and the environment:

- Leverage all resources available to the Superfund Remedial program to conduct site cleanups.
- Strengthen partnerships, community involvement and promote environmental justice.
- Support the administrator's priorities on PFAS and residential lead (Pb).
- Ensure that remedies installed by the Superfund Remedial program are resilient to potential climate change impacts.
- Clean up sites to enable uses that support communities.
- Coordinate with HUD and HHS to analyze and facilitate progress at HUD-assisted housing on sites.
- Develop an agile workforce skilled in project management, acquisition, and construction oversight.
- Leverage and integrate new technology to support program goals.
- Integrate continuous improvement and program management best practices to streamline business operations.

EPA Headquarters and Regions

Protect Human Health and the Environment

- Incorporate new science and, as appropriate, address emerging contaminants, such as per-and poly-fluoroalkyl substances (PFAS), by supporting agencywide efforts to develop risk assessment and management and communication tools for such contaminants. These efforts include the development of in-situ remediation treatment options for emerging contaminants presenting off-site disposal challenges. In particular, assess the nature and extent of PFAS contamination and other contaminants of concern at NPL sites where these chemicals are most likely to be found and work in coordination with appropriate EPA offices and other federal agencies to identify effective remediation technologies for these contaminants.
- Develop nationally consistent approaches for addressing lead exposure.
- Expeditiously respond to sites where human exposure is not under control or there are insufficient data to make a control determination.
- Promote the development of site strategies.
- Ensure remedy protectiveness through effective and consistent implementation of the five-year review process.
- Ensure that remedies installed by the Remedial program are resilient to potential climate change impacts in light of recommended actions defined in the OLEM directive recommending approaches to consider when evaluating climate resilience throughout the Superfund cleanup process.[9]

[9] OLEM Directive 9355.1-120 can be found at https://semspub.epa.gov/work/HQ/100002993.pdf

- Ensure EPA regional, state and Tribal site assessors have the training and resources necessary to effectively assess the inventory of pre-remedial sites needing assessment and determine whether cleanup attention may be needed using the NPL or a non-NPL cleanup approach.

Strengthen Partnerships, Community Involvement, and Promote Environmental Justice and Civil Rights

- Using EPA's EJSCREEN tool, help identify communities with potential environmental justice and civil rights concerns.
- Continue to identify and implement community involvement activities that are tailored to meet community needs.
- Facilitate cross-program collaboration, and continue to closely partner with states, Tribes, and local governments to ensure protective and efficient NPL site cleanups.
- Continue to foster strong partnerships with states, Tribes, local governments, and other federal agencies on site assessment, risk assessment, remedial responses, community involvement and revitalization.
- Provide for meaningful community involvement through the Superfund remedial and non-time critical response processes at NPL sites and cultivate those contacts for coordination of future reuse/redevelopment opportunities.
- Collaborate with states, Tribes, local governments, residents, and business groups to enable the integration of site management decisions into long-term community plans for economic growth and reuse. Work with these stakeholders to improve implementation of institutional controls.
- Explore ways to increase web-based public NPL and SAA site data access and make information on NPL sites more accessible to communities and stakeholders.
- Develop and deploy training and tools for clear risk communication.
- Collaborate across OLEM cleanup programs to optimize resources and opportunities for community-driven site reuse planning and visioning.
- Work to address the Superfund priorities that the Tribal Waste and Response Steering Committee (TWAR SC) identify in their annual priorities document, where possible.

Clean up Sites to Enable Uses that Support Communities

- Identify site redevelopment opportunities early in the Superfund process and strive to achieve faster cleanups through the application of best practices within regional Superfund programs.
- Encourage innovation throughout the cleanup process to bring sites into productive reuse.
- Leverage the revitalization and redevelopment expertise across OLEM's cleanup programs to promote community supported site reuse.

Leverage Resources to Maximize and Accelerate Site Cleanup

- Coordinate with the Office of Site Remediation Enforcement on enforcement efforts at NPL and SAA sites, such as: maintaining focused enforcement efforts to compel PRP participation earlier in the response process; holding parties accountable to timeframes and commitments; identifying responsible parties earlier in the process; looking for opportunities to reduce the level of oversight for cooperating PRPs remediating contaminated sites; and encouraging private investment.
- Include in settlements the retention and use of payments in special accounts, when appropriate, and maximize those accounts' use for future response work at sites to conserve appropriated and Superfund tax funding for sites without alternative funding sources.
- Utilize:
    - A range of approaches for financing site cleanups.
    - Project management practices, such as creating both cost and schedule baselines, to ensure timely project completion.
- Optimize data collection and statistical analysis efforts to integrate cross-program data collection and analysis to inform site characterization, cleanup decisions and implementation, and to reduce operation and maintenance uncertainties.

Workforce Deployment

- Train program staff to:
    - Effectively utilize EPA-placed contracts under the Remedial Acquisition Framework.
    - Apply the latest tools and technology, program management techniques, and other means to streamline cleanups and effectively communicate with stakeholders.
- Develop national expertise/support for construction project cost estimating and oversight.
- Determine if we need to update our most recent skill-gap analysis to identify both workforce needs and additional training opportunities; upon completing the analysis, develop an action plan to fill the gaps.

Leverage and Integrate New Technology

- Advance and support tools to improve conceptual site models to help Remedial Project Managers (RPMs) make decisions.
- Identify, assess, and apply remedial technologies for site cleanup, especially for mining, sediment, groundwater and other complex sites.
- Expand use of field data collection and assimilation technology to support decision-making.

- Develop tools for RPMs to implement best practices, including scoping and targeted technical reviews, and to utilize innovative and state-of-the-art technologies to expedite cleanup.
- Expand use of E-tools for records management and contract administration.
- Provide innovative contracting vehicles that leverage Tribes, states, and industry in identifying innovative technologies and reuse options (e.g., solar, critical minerals recovery from mine waste and mine influenced waters) at hardrock mining sites.

Measures: The NPG measures supporting this program are 151, 155, 170 and S10. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

Superfund Federal Facilities Restoration and Reuse

The Superfund Federal Facilities program oversees and provides technical assistance for the protective and efficient cleanup and reuse of federal facility sites pursuant to Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and as mandated by Congress. Program responsibilities include: 1) inventory and assess potentially contaminated sites; 2) implement protective remedies; 3) facilitate transfer and reuse of property; and 4) ensure ongoing protectiveness of completed cleanups. Federal facility National Priorities List (NPL) sites are among the largest in the Superfund program and encompass some of the most dangerous and unique environmental contaminants including munitions, radiological waste, and emerging contaminants such as per-and polyfluoralkyl substances (PFAS). There are 175 federal facility sites on the NPL, which are part of the approximately 2,400 sites on the Federal Agency Hazardous Waste Compliance Docket (Docket) maintained by the Superfund Federal Facilities program.

The Superfund Federal Facilities program supports President Biden's Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*[10] by recognizing and working to repair inequities that serve as barriers to equal opportunity in the program. This is accomplished by working to improve the health and livelihood of communities through cleaning up and returning land to productive use. Nearly 80 percent of federal facility NPL sites are in communities disproportionately affected by environmental burdens. Cleaning up contaminated sites at federal facilities can also serve as a catalyst for economic growth and community revitalization.

Superfund Federal Facilities Cleanup program key priorities include:

- Advance cleanup and reuse at federal facility NPL sites.

[10] For additional information, please refer to: https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government.

- Develop a succession plan to ensure national expertise is developed and maintained for managing the Superfund Federal Facilities program.
- Implement crosscutting efforts to weave environmental justice and climate change considerations throughout the CERCLA cleanup process.
- Support the agency goal to further advance and expedite the implementation of EPA's PFAS Strategic Roadmap, which includes a goal to, "Broaden and accelerate the cleanup of PFAS contamination to protect human health and ecological systems."
- Prioritize the highest risk sites and focus on activities that bring human exposure and groundwater migration under control.

EPA Headquarters and Regions

Advance Site Restoration and Ensure Protective Remedies

- Oversee and provide technical assistance for protective and efficient cleanups through activities such as: 1) reviewing and approving site investigation and cleanup plans, data, and reports; 2) participating in site meetings with affected communities; 3) making remedy selection decisions at NPL sites; and 4) monitoring remediation schedules as outlined in the Federal Facility Agreements (FFAs).
- Manage complex cleanups at federal facility NPL sites, such as contamination in groundwater, munitions and explosives of concern, contaminants of emerging concern, and contamination from legacy nuclear weapons development and energy research.
- Provide additional resources to the regions, including access to contractor support, and work-sharing, to keep up with the growing number and accelerated pace of PFAS cleanups at Department of Defense (DoD) and other federal facility sites, including unique contaminants of munitions and radionuclides, consistent with Congressional and Administration priorities.
- Provide direction, technical guidance, and other technical resources to support RPMs and site personnel on emerging issues.
- Increase national consistency in site characterization, remedy selection and implementation through efficient and effective Regional-HQ reviews and consultations as described in EPA guidance.
- Work with EPA regions, other federal agencies (OFAs), states, Tribes, and territories to ensure Applicable or Relevant and Appropriate Requirements (ARARs) are identified and implemented.
- Work with EPA regions and OFAs to include climate adaptation and mitigation considerations in CERCLA remedy selection and throughout the CERCLA process as appropriate.
- Pilot climate vulnerability assessments at several federal facility NPL sites to determine site risk from impacts of climate change.

- Follow an internal review strategy to discuss issues, monitor performance, and track goals to ensure long-term remedy protectiveness by reviewing and identifying issues during statutory Five-Year Reviews.
- Work with OFAs and states to update/combine previous munitions risk/hazard assessment methodologies and attempt to achieve consensus on an updated munitions risk/hazard assessment methodology.
- Provide oversight, technical assistance, and contractor support to assist with munitions cleanups at DoD military munitions response sites on the NPL or of national significance.

Promote Site Reuse, Community Engagement, Environmental Justice and Civil Rights

- Recognize and work to repair inequities that serve as barriers to equal opportunity in the Superfund Federal Facilities program by developing and implementing standard business practices that address environmental justice and civil rights concerns in a consistent and effective manner at federal facility NPL sites throughout the CERCLA process.
- Ensure contaminated sites are cleaned up and restored to support productive uses. Cleaning up contaminated sites at federal facilities can serve as a catalyst for economic growth and community revitalization especially in communities disproportionately impacted by environmental contamination.
- Promote innovative, cost-effective remedies that put federal facility NPL sites back to productive use by collaborating with OFAs, states, Tribes, local partners, and community representatives to encourage the beneficial reuse of sites.
- Highlight federal facility sites that have been remediated and reused in disadvantaged communities through the *National Federal Facility Excellence in Site Reuse Award*.
- Provide supplemental funding for PFAS sites to assess environmental justice and civil rights-related concerns.
- Develop and implement tools to assist RPMs with consistently incorporating environmental justice and civil rights considerations as expressed by communities during meaningful involvement activities.
- Collaborate with OLEM to assess baseline practices for flexibilities to improve environmental justice and civil rights considerations that provide lived community experiences within the risk assessment process.
- Facilitate remedial actions and construction completions to achieve Site-Wide Ready for Anticipated Reuse determinations and NPL deletions.

Measure Success

- Quantify the economic benefits of reusing federal facility NPL sites by collecting current, reliable business-related information for a subset of sites in reuse and continued use.
- Highlight successes in federal facility cleanups by annually presenting the *National Federal Facility Excellence in Site Reuse Awards.*

- Highlight the Superfund Federal Facilities program cleanup accomplishments by quantifying the volume of materials addressed through Remedial Action Completions and identifying key cleanup and reuse milestones.

Streamline Business Processes

- Coordinate with regional offices to target, track, and analyze key program measures and progress of Decision Documents and Remedial Action Completions on an annual basis and partner with the OFAs and regions to progress sites through the cleanup process.
- Facilitate discussion across the national program to identify workloads and develop budget requests for current and future fiscal years.
- Work with other EPA offices, OFAs, states, Tribes, and territories to provide training, coordinate and enhance the integration of RCRA and CERCLA.
- Update the Federal Facility Hazardous Waste Compliance Docket (Docket) semi-annually, as part of EPA's statutory requirements.
- Improve and expand the FEDFacts website. FEDFacts serves as a public-facing online tool that features nearly 2,400 Docket sites.
- Implement and improve program and resource data analytical tools that quantify interim progress towards site completion against investments expended and estimate investments needed to achieve timely completion of planned milestones.
- Coordinate with EPA's Federal Facility Enforcement Office to utilize a set of tools and policies to reinforce adherence to informal and formal dispute timelines in FFAs at federal facility NPL sites.
- Promote the application of innovative practices like adaptive management, optimization, and early actions at complex sites.

Promote Strong Partnerships

- Enhance partnerships with other federal agencies (OFAs), states, Tribes, territories, and local communities to limit human exposure to potentially harmful levels of PFAS and lead in the environment.
- Convene a staff-level peer-to-peer PFAS work group, comprised of RPMs and technical subject matter experts, to leverage regional and headquarters expertise and experience to solve problems that arise during PFAS investigations, identify effective best practices, and promote national consistency.
- Collaborate with OFAs, states, Tribes, and territories to ensure efficient and consistent cleanup approaches and assure protectiveness at federal facility NPL sites.
- Host the EPA Federal Facility Academy training program that consists of a series of webinars and classroom training courses with the objective of improving knowledge of regulations and policies, ensuring national consistency, strengthening relationships across agencies, engaging communities, and coordinating with Tribes to effectively manage the cleanup of federal facility NPL sites.

- Enhance engagement with OFAs and states by having regularly scheduled meetings that focus on targeting and resolving critical programmatic issues, emphasizing protective cleanups, and recognizing site reuse opportunities and successes.
- Collaborate on implementing OLEM's Climate Adaptation Implementation Plan through OLEM's Climate Coordinating Committee.
- Provide special emphasis engagement on the most complex portfolios of remaining federal facilities cleanup work through co-leadership of a national cleanup dialogue with the Department of Energy (DOE) and the Environmental Council of the States (ECOS).
- Participate in the Defense Environmental Restoration Program and Formerly Used Defense Sites Forums hosted by the DoD.
- Participate in the annual Tribal Land and Environment Forum conference and coordinate with Tribal representatives to discuss Tribal concerns during the Superfund cleanup process and provide capacity-building training for Tribal partners.
- Coordinate with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and promote and enhance state and territory involvement in the cleanup and reuse of federal facility NPL sites.
- Co-chair and participate in the Intergovernmental Data Quality Task Force (IDQTF) with DoD and DOE. The IDQTF works to ensure that environmental data are of known and documented quality and suitable for the intended use.
- Support the RE-Powering America's Lands initiative and working with RE-Power, regional offices, and federal agency partners to evaluate the suitability of remediation sites for renewable energy production as an aspect of redevelopment.
- Partner with OFAs to ensure climate change adaptation and mitigation are incorporated throughout the cleanup process and into redevelopment at federal facility NPL sites.

Measures: The Superfund Federal Facilities program contributes to the following overall Superfund NPG measures: 151, 155, 170, and S10. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

Emergency Response

The Superfund Emergency Response and Removal program's priority is to address immediate threats to the public and the environment with an emphasis on emergency response actions. Resources ensure that oil discharges and releases of hazardous substances, pollutants, and contaminants, including chemical, biological, and radiological threats, to the environment are quickly addressed through either a federal-lead action or by providing technical support and oversight to state, local, Tribal, other federal responders, as well as potentially responsible parties.

EPA Headquarters and Regions

- Support interagency work with the National Response Team and Regional Response Teams as well as state, Tribal and local partners. This work includes participation in drills, exercises, and the development of guidance and other materials such as after-action reports following significant disaster responses.
- Implement the Justice40 initiative into these activities, identifying ways to integrate environmental justice and civil rights into cleanup work at removal sites. This includes consideration of language accessibility and cultural needs of the local community, and this coordination will enhance future emergency activities for an efficient response.

EPA Headquarters

- Support the agency's Continuity of Operations Plan (COOP). This includes COOP deployment, devolution, and activation of Emergency Relocation Group personnel to the COOP site with limited staffing and without access to the full range of resources available during normal activities. This ensures that agency continuity plans meet Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) requirements.
- Operate and maintain unique, national assets available for round-the-clock response to chemical, biological, radiological, and nuclear (CBRN) events. These assets, including the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) and the Portable High-Throughput Integrated Laboratory Identification Systems (PHILIS), are required to meet EPA's obligations under Homeland Security Presidential Directives, Executive Orders, and the National Contingency Plan.
- Advance the science, interagency coordination, and policies to ensure the agency is prepared to respond to and remediate CBRN events. Conduct intra- and inter-agency research collaborations to identify and address CBRN response needs. Contribute to whole-of-government forums, frameworks, networks, and policy for CBRN issues. Act as critical link between foundational research and field needs by operationalizing CBRN response methods, equipment, and tactics.
- Support CBRN and all-hazards preparedness at regional and national levels by conducting training, field demonstrations, participating in national readiness forums, and producing emergency response reference products.
- Work with Tribes, Tribal organizations, and our regional programs to help Tribes build capacity for emergency management.

EPA Regions

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

- In support of the Administration's Justice40 initiative, maintain the annual number of Emergency Response and Recovery exercises at 120, and the share of those exercises that address EJ concerns at least 40%, through September 30, 2026.

Measures: The NPG measures supporting this program are 137, 155, ER01, and ER02. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

Oil Discharge Prevention and Preparedness

One of EPA's top priorities is to prevent, prepare for, and respond to oil discharges that occur in and around inland waters of the United States. EPA serves as the lead federal response agency for oil discharges occurring in inland waters, providing compliance assistance at more than 500,000 regulated non-transportation related oil storage facilities, and responding to approximately 100 oil discharges a year.

There are multiple relevant regulatory programs under CWA Section 311 including requirements for facilities with oil quantities above specified thresholds to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) plan to help prevent oil discharges into navigable waters or adjoining shorelines. A subset of SPCC-regulated facilities with larger oil quantities are required to develop and implement a Facility Response Plan (FRP) focused on preparing to respond to a worst-case oil discharge or threat of a discharge. In addition, EPA's regulatory programs include administration of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which provides the federal government's blueprint for responding to oil discharges. Subpart J of the NCP includes provisions for the testing, listing and authorization of use of chemical agents in response to oil discharges, and provisions for monitoring use in response to major oil discharges and certain other atypical dispersant use situations in navigable waters or adjoining shorelines.

<u>EPA Headquarters</u>

- On May 31, 2023, EPA finalized amendments to Subpart J, and the rule became effective on December 11, 2023.
- Maintain the National Oil and Hazardous Substance Pollution Contingency Plan's Subpart J Product Schedule, which identifies products that may be authorized for use when responding to oil discharges.
- Develop, update, and deliver annual 40-hour oil inspector training, and develop refresher and specialized trainings, to maintain the expertise and capabilities of SPCC and FRP inspectors.
- Continue to work with the regions on area planning efforts to ensure that responders have access to essential area-specific information when addressing incidents.

- Provide regulatory and programmatic support to OECA and regional partners on enforcement actions, as needed.
- Act as the coordinating entity responsible for measuring the performance of the program.
- Coordinate with the regions to integrate environmental justice and civil rights concerns into identifying, evaluating, and inspecting regulated facilities and Government Initiated Unannounced Exercises (GIUEs), such as by targeting overburdened communities or including an EJ analysis in the exercise.

EPA Regions

- Target, inspect and investigate facilities subject to the SPCC and FRP requirements, as defined by the program's high-risk inspection targeting procedures (outlined in the April 2013 memorandum titled, "SPCC and FRP Inspections/Government Initiated Unannounced Exercise (GIUE) Targeting Procedures").
- Conduct oil discharge enforcement investigations to identify and address significant discharge violations that reach waters of the United States.
- Take appropriate enforcement responses at facilities in non-compliance with SPCC and FRP regulatory requirements consistent with OECA policy and national guidance.
- Develop enforcement cases to address FRP violations at multiple facilities owned or operated by the same company, considering where appropriate company-wide relief to bring all owner or operator facilities into compliance.
- Coordinate with Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Coast Guard, states, and Tribes, as appropriate to address jurisdictional issues.
- Integrate environmental justice concerns into identifying, evaluating, and inspecting regulated facilities.
- Maintain at least 40% of preparedness exercises (GIUEs) that EPA conducts or participates in that incorporate environmental justice concerns through September 30, 2026.

Measures: The NPG measures supporting this program are ER01 and ER02. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

Chemical Accident Prevention

EPA's Chemical Accident Prevention and Preparedness programs require facilities storing extremely hazardous substances (EHSs) to safely manage them and provide emergency planning and hazardous chemical inventory information to state, Tribal and local planners and responders. There are several Clean Air Act (CAA) and Emergency Planning and Community Right-to-Know Act (EPCRA) regulatory provisions that form the basis of this program. Under

CAA section 112(r), approximately 12,000 industrial facilities that use or store listed toxic or flammable substances above certain threshold quantities are required to implement an accident prevention program, take emergency response preparedness measures, and develop and submit a Risk Management Plan (RMP). Section 112(r)(1) of the CAA, 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. Section 112(r) of the CAA also requires EPA to publish regulations and guidance for chemical accident prevention at facilities that use extremely hazardous substances.

Under EPCRA, facilities storing listed EHSs above specified threshold planning quantities are required to provide necessary information to state, Tribal and local emergency planners for developing community emergency response plans. Further, facilities holding EHSs or other hazardous substances above specified quantities are required to annually report chemical inventory information to state, Tribal and local emergency response authorities.

In 2024, EPA will be codifying a new Facility Response Planning program for hazardous substances under CWA section 311(j)(5). In FY 2025-2026, the agency anticipates setting up the program through developing guidance; establishing an inspector training program; conducting outreach to facilities; developing an IT system; etc. OLEM will begin collecting facility response plans in FY 2027.

<u>EPA Headquarters</u>

- Develop and promulgate revisions to the RMP regulations and implementing guidance as appropriate to enhance chemical accident prevention.
- Develop and promulgate revisions to the EPCRA regulations and guidance as appropriate to promote local emergency planning and community right-to-know.
- Develop and implement regulations under CWA 311(j)(5) for preparing for CWA hazardous substance Facility Response Plans for worst-case discharges into or on navigable waters. This regulation will address environmental justice and civil rights concerns and climate change risks.
- Provide RMP inspector training for federal and state inspectors.
- Coordinate with OECA on RMP inspections to ensure convergence of OLEM and OECA goals with regard to the Risk Management program.
- Develop updates to the RMP*eSubmit software system, which allows RMP-regulated facilities to submit plans to EPA.
- Provide EPCRA training for federal, state, Tribal and local planners and responders.
- Develop updates to the Computer-Aided Management of Emergency Operations (CAMEO) software suite, which provides free and publicly available information to first responders on firefighting, first aid and spill response activities.

- Develop updates to the EPCRA Tier 2 reporting software, which provides EPCRA-regulated facilities with a free method of meeting annual chemical inventory reporting obligations.
- Integrate the Justice40 initiative into these activities, including identifying facilities in communities with environmental justice concerns for targeting.

EPA Regions

- Conduct all RMP inspections in accordance the with "Guidance for Conducting Risk Management Program Inspections Under CAA Section 112(r)" (EPA 550-K-11-001, January 2011). Conduct at least 36% of these inspections at high-risk facilities. A limited number (less than 20%) of annual inspections may be RMP non-filer and/or CAA 112(r) General Duty Clause inspections.
- Continue to advance the goals of the Chemical Accident Risk Reduction National Enforcement and Compliance Initiative.
- Target a goal of conducting inspections at three percent of RMP facilities annually in FY 2025-2026.
- Work collectively to address serious situations of non-compliance, with a focus on protecting vulnerable populations, many of which are in low income or communities of color, from the risks posed by those facilities. Particular focus should be placed on EJ and climate-related issues. Statistical information, such as co-location, should be incorporated into effective targeting schemes.
- 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.
- As appropriate, during RMP inspections, evaluate facility compliance with EPCRA emergency planning notification and chemical inventory reporting (EPCRA 302, 311, and 312) and CERCLA and EPCRA release reporting (CERCLA 103 and EPCRA 304) requirements.
- As appropriate, evaluate facility compliance with EPCRA sections 302, 304, 311, and 312 requirements at the request of the EPCRA implementing agencies.
- As appropriate, provide guidance and assistance to State Emergency Response Commissions, Tribal Emergency Response Commissions and Planning Committees, and Local Emergency Planning Committees (LEPCs) on community preparedness activities with an emphasis on ensuring that LEPCs and Tribal emergency planning and response agencies have emergency response plans and those plans have been exercised, particularly for communities with environmental justice concerns.

Measures: The NPG measures supporting this program are ER01 and ER02. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

Mining Sites

The Mining Sites program addresses cross-cutting issues unique to mining and milling and more effectively leverage existing staff, expertise, and resources. The Mining Sites program also implements geographic-specific solutions to environmental challenges and foster partnerships with states, Tribes, local communities and other stakeholders to improve the EPA's ability to respond to the range of special issues and unique needs associated with the distinct ecosystems.

EPA Headquarters

- Advance cleanup and revitalization of abandoned uranium mines located on Navajo Nation and surrounding lands in the Southwest.
- Continue to strengthen Tribal relationships by establishing local field offices enabling cross-agency efforts at or near the abandoned uranium mine sites on Navajo Nation lands.
- Partnering with other federal agencies to identify potential disposal options for abandoned uranium mine waste in the Southwest.
- Leverage and collaborate with the Superfund Remedial and Emergency Response and Removal programs to advance cleanups of mining and milling hardrock sites.
- Streamline procedures and processes for Good Samaritan cleanup efforts and promote Good Samaritan cleanup projects at abandoned hardrock mining sites.
- Advance innovative assessment and cleanup technology and revitalization/reuse solutions at abandoned hardrock mining sites.
- Support Department of Interior and Department of Energy led efforts in recovering critical minerals recovery from abandoned mine sites. Some examples include, supporting the USGS-led Federal Mining Dialogue subcommittee in developing waste to commodity approaches including best practices, guidance, and technologies associated with the recovery of critical minerals and rare earth elements from mining waste at hardrock mining sites.
- Serve as POC for federal agencies, states, Tribes and others with responsibility for or impacted by hardrock abandoned mine lands.

Brownfields and Land Revitalization

The Brownfields program provides cooperative agreements and technical assistance to help communities assess, clean up, and sustainably reuse brownfield sites. The program also awards grants to provide environmental job training to residents impacted by brownfield sites in their communities. Funding opportunities emphasize environmental and public health protection by investing in communities in a manner that stimulates economic development and job creation.

Additionally, the Brownfields program provides states and Tribes[11] with critical financial and technical assistance resources to establish and enhance their brownfields response programs. Direct technical assistance is also available to communities to strengthen community-centered and informed decision-making within the brownfields revitalization process. Available support includes community visioning, community engagement, market and feasibility studies, and project financing options.

The Brownfields program was allocated an additional $1.5 billion in funding through the Infrastructure Investment and Jobs Act of 2021 (IIJA) to invest in addressing the nation's brownfields. By the end of FY 2024, the program will have obligated $900 million in IIJA funding and plans to obligate $600 million in FY 2025-2026. The additional IIJA funding is being utilized to enhance community assistance and catalyze redevelopment and capacity building at brownfield sites. Funding is also promoting equitable and sustainable redevelopment through expanded technical assistance for climate smart brownfields redevelopment.

States, territories and Tribes provided meaningful contributions to the National Program Guidance development through engagement in several conferences and annual meetings including the National Brownfields Training Conference, the Tribal Lands and Environment Forum, and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Annual Meeting. These meetings provided states, territories, and Tribes opportunities to share their priorities and collaborate on advancing brownfields and land revitalization goals.

EPA Headquarters and Regions

Compete and Award New Cooperative Agreements

- Develop and manage annual competitions for six distinct cooperative agreement programs, including awarding approximately $200 million of additional annual funding from IIJA investments.
- Develop and manage annual non-competitive cooperative agreement programs to provide funding for state and Tribal response programs and supplement existing Revolving Loan Fund cooperative agreements, including awarding approximately $60 million of additional annual funding from IIJA investments.

Technical Assistance and Land Revitalization Program Support

- Provide support to communities as part of the EPA's Land Revitalization Program through working with communities in their efforts to restore contaminated lands into sustainable community assets.
- Provide direct contractor support to communities by managing technical assistance task orders focusing on assistance to potential grant recipient and local communities in the

[11] There are currently 574 federally recognized Tribes, and there are many names that these sovereign nations use to describe their culture, history, and geography, including Tribe, Village, Nation, Band, and Pueblo.

areas of community visioning, engagement, market studies, feasibility studies and project financing.
- Manage cooperative agreements that provide technical assistance to brownfields stakeholders in the areas of equitable development and environmental justice in alignment with the Administration's Justice40 Initiative.

Continued Collaboration with State, Tribal and Local Partners

- Provide direct support to states and Tribes through the CERCLA Section 128(a) State and Tribal Response Program.
- Award cooperative agreements to states, Tribes, and local governments, including Community Wide Assessment Grant for States and Tribes cooperative agreements.
- Provide technical assistance to Tribes through a Tribal Technical Assistance support grant.
- Organize the National Brownfields Training Conference in collaboration with state, Tribal, and local partners on priority issues.
- Hold a Tribal Forum at the next National Brownfields Training Conference to discuss Tribal Waste & Response Steering Committee (TWARSC) Priorities Document.
- Increase training opportunities and sharing of best practices on a variety of topics, such as community outreach and bridging communications among various EPA programs and offices that may be involved at a site.
- Build up capacity and technical infrastructure for more robust site-specific information sharing among federal, state, territorial and Tribal environmental programs.
- Region 10 will continue to work with Native Alaskan brownfield professionals and technical experts in developing guidance related to addressing brownfield sites conveyed by the U.S. Government under the Alaska Native Claims Settlement Act (ANCSA).

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

- Enhance ACRES to better demonstrate the impacts of brownfields funding to communities.
- Redesign ACRES Cooperative Agreement Quarterly Reports to be more comprehensive and easier to use for all grant recipients and EPA regional project officer.

Emphasize Strategies for Anti-Displacement and Equitable Development

- Manage cooperative agreement specifically designed to deliver research on anti-displacement strategies that communities can incorporate as part of their brownfield redevelopment efforts.
- Manage cooperative agreement for technical assistance and capacity building around equitable development of brownfield sites.

Strengthen Partnerships with Non-profits and Land Banks

- Manage cooperative agreements specifically for technical assistance for non-profit capacity building and research for land banks and brownfields.
- Participate in conferences such as The National Land Banks Network Summit.
- Encourage non-profit organizations and land banks to apply for competitive Brownfields Grants.

Measures:

The NPG measures supporting this program are B29, B30, and B32. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

RCRA Permitting and Support to Tribal Waste Management Programs

The RCRA permitting program protects people and ecosystems from exposure to dangerous wastes and chemicals. EPA primarily provides support to states, Tribes, and other interested groups to develop and implement solid and hazardous waste management programs. EPA and its partners endeavor to ensure that permit decisions, including decisions to issue, renew, or deny permits, reflect the latest technology, and standards and remain protective under changing conditions, such as climate change. The program also endeavors to ensure that all communities, including those who are underserved, marginalized and/or overburdened, have an equitable opportunity to engage in the permitting process.

<u>EPA Headquarters</u>

- Support Objective 6.2 in the FY 2022-2026 EPA Strategic Plan to prevent environmental contamination by increasing the percentage of updated permits (through permit renewals) at RCRA facilities. Track program performance through established measures for RCRA and PCB permitting. Set annual targets for renewals and initial permits (or other approved controls).
- Provide leadership and facilitate communication and collaboration across RCRA permitting program to ensure national consistency, protectiveness, effective program management, and training and technical support.
- Support and implement efforts to consider environmental justice, civil rights, equity, and climate change in RCRA permitting in alignment with agency environmental justice, civil rights, and climate change guidance and tools. This includes supporting implementation of EPA's RCRA permitting guidances to conduct screenings and analyses and tailor permit conditions to mitigate any identified adverse impacts to communities and the environment.
- Collaborate on updating and implementing OLEM's Climate Adaptation Implementation Plan.

- Provide technical or policy support for regions and authorized states to do necessary climate change adaptation work.
- Coordinate with other federal agencies with respect to RCRA permitting issues.
- Provide technical assistance to regions and states in implementing the RCRA permitting program.
- Support program oversight of states authorized to implement RCRA.
- Engage with our regional and state partners to periodically identify, prioritize, and resolve high priority issues affecting RCRA permits or permitting programs nationally.
- Maintain RCRA permitting regulations, including making necessary updates and amendments.
- Update and maintain the RCRA Model permit, including considerations for climate change and environmental justice and civil rights.
- Maintain and improve functionality in RCRAInfo to capture information for RCRA permits and financial assurance tracking.
- Support a collaborative headquarters, regional, and state effort to maintain and improve data accuracy and completeness of data in RCRAInfo to ensure effective management of the RCRA permitting program, including financial assurance.
- Provide a tool for climate change hazard screening, at the regulated facility and larger levels, using updated climate hazard data.
- Provide a process for conducting a facility-specific climate vulnerability assessment.
- Support collaborative efforts to develop best practices, tools, guidance, or other deliverables to improve RCRA financial assurance program management.
- Work with regions, states, Tribes, territories, and regulated community to implement requirements for evaluating and implementing safe alternative technologies for the treatment of waste explosives that otherwise would be open burned or open detonated (OB/OD). Develop rulemaking to update regulations related to OB/OD and use of alternative technologies.
- Gather national incident reports from RCRA treatment, storage, and disposal facilities.
- Provide technical support to regions and states for high priority work to support state authorization for new RCRA Subtitle C rules so they can be addressed in permits and other implementation mechanisms.
- Continue to provide community engagement and technical assistance (CETA) services to assist communities, including Tribes, with addressing their environmental and health concerns related to waste management.
- Work with regions and states to increase the efficiency of the state authorization process.
- Assist Tribes in the development and implementation of Integrated Waste Management Plans by developing and providing guidance and implementation tools to Tribes.

- Complete the development of a comprehensive Tribal waste management training program in collaboration with other federal agencies through the Federal Agency Training Initiative.
- Continue to provide informational webinars and training for Tribes through EPA's Tribal Waste Management Program Webinar Series; and support the delivery of training on issues such as developing codes and ordinances, and related technical assistance.
- Support the regions with their technical assistance to Tribes, including providing resources to support circuit riders.
- Continue implementation of the National Tribal Waste Management Peer Matching program.
- Continue to assist Tribes with addressing and improving the management of solid and hazardous waste on Tribal lands through the Tribal Solid Waste Grant and Hazardous Waste Management Grant Program for Tribes, including technical assistance (i.e., grant writing tips and application development) by providing office hours and one-on-one sessions. The implementation of grant programs is contingent upon the availability of funds and other external factors.
- Continue to conduct face-to-face meetings with Tribes to learn about their environmental initiatives and understand their challenges with developing and implementing sustainable waste management programs.
- Coordinate with the Indian Health Service (IHS) as they assess the open dump universe on Tribal lands and support IHS funded open dump cleanups. Provide related education and outreach materials to Tribes.
- Lead a workgroup effort to identify Tribal solid waste operations and maintenance needs and develop a funding strategy.
- Support EPA Tribal consultation and coordination on waste management issues.
- Improve and expand the EPA Tribal waste management website and associated communications to Tribes.

<u>EPA Regions</u>

- Support Objective 6.2 in the FY 2022-2026 EPA Strategic Plan to prevent environmental contamination by increasing the percentage of updated permits (through permit renewals) at RCRA facilities.
- Work with states to set challenging annual targets for permit renewals and initial permits (and other approved controls). Work with states to accomplish these targets.
- Conduct program oversight activities for states authorized to implement RCRA.
- Support and implement efforts to consider environmental justice, civil rights, equity, and climate change in RCRA permitting in alignment with agency guidance and tools, such as the EPA Legal Tools to Advance Environmental Justice.
- Ensure all RCRAInfo mandatory data elements for the RCRA permitting and financial assurance database are maintained.

- Forward incident reports from RCRA treatment, storage, and disposal facilities to ORCRIncidentTracking@epa.gov.
- Safeguard hard-copy financial instruments using best practices, including storage in a fireproof safe.
- Provide direct technical assistance to Tribal waste management programs, including assistance from circuit riders.
- Participate in and support waste management webinars and training to Tribes.

EPA Regions and States

- Support Objective 6.2 in the FY 2022-2026 EPA Strategic Plan to prevent environmental contamination by increasing the percentage of updated permits (through permit renewals) at RCRA facilities.
- Meet annual targets to issue RCRA renewals and initial permits (and other approved controls) to meet the program's annual permitting targets.
- Engage with headquarters to identify, prioritize, and resolve high-priority issues affecting permits or permitting programs.
- Support efforts to develop and use national permitting guidances and tools, such as the RCRA Model Permit.
- Support and implement efforts to consider environmental justice and climate change in RCRA permitting in alignment with agency environmental justice and climate change guidance and tools.
- Ensure that RCRA permits are protective of human health and the environment for the duration of the permit, including under changing climate conditions.
- Implement EPA requirements, policies, and priorities with respect to open burning and open detonation of waste explosives, including evaluating and implementing alternative technologies.
- Ensure all RCRAInfo mandatory data elements are maintained within negotiated timeframes for permitting and financial assurance. Specifically, keep the following data elements updated that support BFS measures: permit determinations, permit expiration dates, permit mod approvals, and legal & operating status codes.
- Forward incident reports from RCRA treatment, storage, and disposal facilities to ORCRIncidentTracking@epa.gov. Incident reports, written by the facility and submitted to regulators, are required when the contingency plan is triggered, which is "…whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment" (40 CFR 264.51(b)).
- Safeguard hard copy financial instruments using best practices, including storage in a fireproof safe.
- Facilitate state adoption and authorization for RCRA regulations to reduce need for joint permitting between EPA regional offices and states. This includes, for example, RCRA air emissions and corrective action regulations.

Tribes

- Attend EPA waste management training and webinars and participate in peer matches with other Tribes, as appropriate.
- Provide input to EPA on waste management program studies, initiatives, guidance, and other tools.

Measures: The NPG measures supporting this program are HW4 and HW5. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

RCRA Corrective Action

The RCRA Corrective Action program is responsible for ensuring that contamination at RCRA treatment, storage, and disposal facilities is identified and cleaned up by the owner/operator effectively and quickly. This reduces risk from exposure to toxics, supports communities, addresses climate change impacts, and ensures that cleanup costs are not transferred to the largely taxpayer-funded Superfund cleanup program. The EPA and its state partners work closely together to facilitate and oversee cleanups, ensure that future land use is protective of human health and the environment, and effectively address community concerns.

In FY 2025-2026, the Corrective Action program will continue to make progress implementing the RCRA Corrective Action 2030 Vision, Mission, and Goals[12] with a focus on assuring that any human exposure pathways are eliminated, and that climate change, environmental justice and civil rights are considered throughout the cleanup process. The 2030 Goals are:

Goal 1: Through 2030, the RCRA Corrective Action program will ensure that RCRA cleanups are initiated and completed efficiently and expeditiously. Commitments regarding what work is planned and what progress is made will be visible to the public. An ambitious universe of cleanups will be identified for completion by 2030.

Goal 2: By 2030, the RCRA Corrective Action program will eliminate or control adverse impacts beyond facility boundaries at RCRA Corrective Action facilities wherever practicable and the program will focus attention on cleanups that will not meet this target.

Goal 3: By 2030, the RCRA Corrective Action program will ensure or confirm that land within facility boundaries at RCRA Corrective Action facilities will be safe for continued use or reasonably foreseeable new uses wherever practicable and the program will focus attention on cleanups that will not meet this target.

[12] For more information on EPA's RCRA Corrective Action 2030 Vision, Mission, and Goals, please see https://www.epa.gov/sites/default/files/2020-09/documents/rcra_corrective_action_program_vision.pdf

Goal 4: By 2025, the RCRA Corrective Action program will identify the key elements of effective Long-Term Stewardship for Corrective Action cleanups, and regions and states will have approaches in place to ensure implementation of the key elements.

Goal 5: By 2022, program procedures will be in place to regularly adjust the universe of facilities in the cleanup pipeline to reflect current program priorities.

EPA Headquarters

- Lead support for Objective 6.1 in the FY 2022-2026 EPA Strategic Plan to Clean Up and Restore Land for Productive Uses and Healthy Communities.
- Lead management of the national RCRA Corrective Action program to ensure that owner/operators clean up contamination at facilities to protect human health and the environment, support communities, and facilitate reuse and redevelopment.
- For Goals 1, 2, and 3, lead implementation to ensure that: an ambitious universe of RCRA cleanups is initiated and completed by 2030, cleanup commitments are transparent and visible to the public, adverse impacts beyond facility boundaries are eliminated or controlled, and land within facility boundaries is safe for continued or new uses.
- For Goal 4, lead and support establishment of approaches implementing the Key Elements of Long-Term Stewardship for Corrective Action cleanups.
- For Goal 5, lead implementation of procedures to regularly adjust the universe of facilities in the cleanup pipeline to reflect current RCRA Corrective Action program priorities.
- In partnership with the regions, manage effective and efficient cleanup programs nationwide by developing and implementing performance measures, tracking, and adjusting targets, workload, and resources to maximize progress on cleanups, and developing and maintaining staff program and technical expertise.
- Provide leadership and facilitate communication and collaboration across the RCRA corrective action program with regions and states to ensure national consistency, protectiveness, effective program management, effective oversight of responsible party cleanup activity, training, and technical support for program staff.
- Maintain and improve functionality in RCRAInfo to capture information for RCRA corrective action tracking.
- Support a collaborative headquarters, regional, and state effort to maintain and improve data accuracy and completeness of data in RCRAInfo to ensure effective management of the RCRA corrective action program.
- Collaborate with the regions to ensure that priority issues of emerging science such as vapor intrusion and PFAS cleanup are addressed appropriately and consistently in cleanups. Distribute new scientific information, implement new policies and procedures, and provide technical assistance and training, as resources allow.

- Maintain collaboration among headquarters, regions, and states, to ensure hazardous waste programs are implemented in accordance with the Administration's environmental justice, civil rights, and climate change priorities.
- Maintain environmental justice and civil rights principles and considerations in the forefront of programmatic activities and decision-making, through communication with communities and with regions and states, and providing and any needed technical assistance or guidance.
- Develop analyses and tools to help regions and states consider and address potential environmental justice and civil rights issues, including approaches for environmental concerns expressed by the community or seen/heard in the field that do not fall within RCRA program authorities for action. Collaborate with other federal agencies as appropriate.
- Provide technical or policy support for regions and authorized states to do necessary climate change adaptation work.

<u>EPA Headquarters and Regions</u>

- Support Objective 6.1 in the FY 2022-2026 EPA Strategic Plan to Clean Up and Restore Land for Productive Uses and Healthy Communities.
- Implement the national RCRA Corrective Action program to ensure that owner/operators clean up contamination at facilities to protect human health and the environment, support communities, and facilitate reuse and redevelopment.
- Lead and collaborate with states to achieve progress toward the FY 2022-2026 long-term performance goal of making 425 additional RCRA Corrective Action facilities Ready for Anticipated Use (RAU).
- For Goals 1, 2, and 3, collaborate with states to ensure that: an ambitious universe of RCRA cleanups is initiated and completed by 2030, cleanup commitments are transparent and visible to the public, adverse impacts beyond facility boundaries are eliminated or controlled, and land within facility boundaries is safe for continued or new uses.
- For Goal 4, collaborate with states to implement establishment of approaches implementing the Key Elements of Long-Term Stewardship for Corrective Action cleanups.
- For Goal 5, collaborate with states to implement program procedures to regularly adjust the universe of facilities in the cleanup pipeline to reflect current RCRA Corrective Action program priorities.
- Support and implement efforts to consider environmental justice, civil rights, equity, and climate change in RCRA Corrective Action. Lead and collaborate with states to implement actions addressing climate change and supporting environmental justice and civil rights in state corrective action programs.

- Lead and collaborate with states to achieve RCRA cleanup targets for the following Corrective Action measures: 1) human exposures under control, 2) migration of contaminated groundwater under control, 3) remedy construction, 4) performance standards attained, and 5) ready for anticipated use. Maintain focus on addressing human exposures for 2020 Baseline facilities.
- Develop and implement approaches for high priority actions to overcome barriers to cleanup progress, such as complex technical groundwater issues, complex federal facility cleanups, issues requiring strategic enforcement, and emerging contaminants such as PFAS.[13]
- Lead and support implementation, as appropriate, of tools developed to improve and speed cleanups, including RCRA FIRST (Facility Investigation Remedy Selection Track).
- Facilitate mechanisms for collaboration across the programs to identify barriers, share best management practices, and resolve issues toward completing high priority cleanups.
- Implement oversight at priority RCRA Corrective Action actions in states that are not authorized and on Tribal lands.
- Maintain collaboration among EPA headquarters, regions, and states to ensure hazardous waste programs are implemented in accordance with the Administration's environmental justice, civil rights and climate change priorities.

<u>EPA Regions and States</u>

- Support Objective 6.1 in the FY 2022-2026 EPA Strategic Plan to Clean Up and Restore Land for Productive Uses and Healthy Communities.
- Implement the national RCRA Corrective Action program to ensure owner/operator cleanup of contamination at facilities to protect human health and the environment, support communities, and facilitate reuse and redevelopment. EPA regional offices will work with states to authorize state programs or utilize work-share agreements to facilitate state-lead implementation.
- Collaborate to achieve progress toward the FY 2022-2026 long-term performance goal of making 425 additional RCRA Corrective Action facilities Ready for Anticipated Use (RAU).
- For Goals 1, 2, and 3, ensure that: an ambitious universe of RCRA cleanups is initiated and completed by 2030, cleanup commitments are transparent and visible to the public, adverse impacts beyond facility boundaries are eliminated or controlled, and land within facility boundaries is safe for continued or new uses.
- For Goal 4, have approaches in place to ensure implementation of the Key Elements of Long-Term Stewardship for Corrective Action cleanups.

[13] The National Enforcement Strategy for Corrective Action (NESCA) can be found at http://www.epa.gov/sites/production/files/documents/nesca-strategy-mem.pdf

- For Goal 5, implement program procedures regularly adjusting the universe of facilities in the cleanup pipeline to reflect current RCRA Corrective Action program priorities.
- Collaborate to achieve RCRA cleanup targets for the following Corrective Action performance measures: 1) human exposures under control, 2) migration of contaminated groundwater under control, 3) remedy construction, 4) cleanup complete, and 5) ready for anticipated use.
- Regions will provide leadership and facilitate collaboration with states in the region to ensure regional consistency, support states in developing and maintaining technical and program expertise, provide expert technical assistance to support states implementing effective and efficient cleanups, and support states in effective and efficient program management, measurement and tracking, and recordkeeping.
- Conduct effective data collection and management; report and document mandatory nationally required data elements, including cleanup milestones.
- As appropriate, implement process efficiency tools developed to improve and speed up cleanups (including RCRA FIRST).
- Ensure all RCRAInfo mandatory data elements for the RCRA corrective action database are maintained within the negotiated timeframes for corrective action.
- Regions will collaborate with states to ensure that issues of emerging science such as vapor intrusion and PFAS cleanup are addressed appropriately and consistently in RCRA cleanups.
- Use available tools and data to screen for climate hazards at RCRA facilities.
- If available climate hazard data indicates that there may be a climate change hazard at an EPA-lead facility that has not been addressed, require the facility to conduct a climate vulnerability analysis.
- Ensure that RCRA corrective action orders are protective of human health and the environment for the duration of those permits or orders, including under changing climate conditions.
- Ensure that corrective action remedies are resilient to potential climate change impacts.
- Use a variety of communications and outreach tools to consider community concerns, needs and participation in program decision-making; and help communities connect to available federal, state and private expertise and resources to create positive, tangible, and sustainable outcomes for communities with environmental justice and civil rights concerns.
- Maintain collaboration among EPA headquarters, regions, and states to ensure hazardous waste programs are implemented in accordance with the Administration's environmental justice, civil rights, equity, and climate change priorities.

Measures: The NPG measures supporting this program are CA1, CA2, CA5RC, CA6, and RSRAU. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

PCB Cleanup and Disposal

Polychlorinated biphenyls (PCBs) are toxic chemicals that would pose a risk to communities if improperly managed or controlled. Under the Toxic Substances Control Act (TSCA), EPA works to ensure the safe cleanup and disposal of PCBs. To achieve this, EPA reviews and approves PCB cleanup, storage, and disposal activities. EPA directly implements the PCB approval program.

EPA Headquarters

- Support Objective 6.2 in the FY 2022-2026 EPA Strategic Plan to prevent environmental contamination. Track program performance through established measures for PCB approvals.
- Provide leadership and facilitate communication and collaboration across PCB cleanup and disposal program to ensure national consistency, protectiveness, effective program management, and training and technical support.
- Support and implement efforts to consider environmental justice, civil rights, equity, and climate change in PCB approvals. This includes supporting implementation of EPA's PCB approval guidances to conduct screenings and analyses and tailor permit conditions to mitigate any identified adverse impacts to communities and the environment.
- Provide technical or policy support for regions and authorized states to do necessary climate change adaptation work.
- Provide a tool for climate change hazard screening, at the regulated facility and larger levels, using updated climate hazard data.
- Provide technical assistance to regions in implementing the PCB program.
- Engage with our regions to lead or support national efforts to address high-priority issues in the PCB program.
- Maintain and improve functionality in RCRAInfo to capture information for PCBs.
- Gather national incident and PCB annual report data at TSCA PCB treatment, storage, and disposal facilities, respectively.
- Issue protective, timely PCB approvals for PCB disposal activities that affect more than one region, such as mobile treatment units. This subset of PCB approvals is issued by EPA headquarters, while the majority of approvals are issued by the regions.
- Continue coordination of TSCA PCB cleanups with RCRA, Superfund and state cleanups.

EPA Regions

- Support Objective 6.2 in the FY 2022-2026 EPA Strategic Plan to prevent environmental contamination. Work to set and obtain challenging annual targets for PCB approvals.
- Support and implement efforts to consider environmental justice and climate change in PCB approvals.
- Issue and maintain PCB approvals for waste facilities and cleanups as appropriate to meet the program's permitting measure goals. Regions will review applications and

cleanup plans and issue PCB cleanup/disposal approvals as required under 40 CFR Part 761, addressing technical issues with applicants, and coordinating with states.
- Use available tools and data to screen for climate hazards at PCB facilities.
- If available climate hazard data indicates that there may be a climate change hazard at a PCB facility that has not been addressed, require the facility to conduct a climate vulnerability analysis.
- Ensure that PCB approvals are protective of human health and the environment, including under changing climate conditions.
- Engage with headquarters to address high-priority issues in the PCB program.
- Engage with headquarters to lead or support national efforts to address high-priority issues in the PCB program.
- Ensure all RCRAInfo mandatory data elements for the PCB approval database are maintained.
- Forward incident reports from PCB-approved storage and disposal facilities to ORCRIncidentTracking@epa.gov.
- Forward PCB annual reports to ORCRPCBs@epa.gov.
- Provide PCB regulatory assistance to industry, states, and the public.
- Safeguard hard-copy financial instruments using best practices, including storage in a fireproof safe.
- Lead implementation of Long-Term Stewardship approaches for future protection of human health and the environment where contamination remains in place at PCB cleanups.
- As appropriate, implement process efficiency tools developed using Lean to improve and speed up cleanups (including PCB FAST).

Measures: The NPG measures supporting this program are PC1 and PC3. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on page 55.

RCRA Regulatory and Guidance Actions

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

An important step being taken by the Office of Resource Conservation and Recovery (ORCR) is tackling the PFAS challenge through two rulemaking efforts under the Resource Conservation and Recovery Act (RCRA). One of EPA's priorities is taking action to protect American communities from health risks associated with PFAS compounds. ORCR will contribute to this work by evaluating the existing data for certain PFAS chemicals under the RCRA and clarifying authorities to address PFAS contamination through the RCRA corrective action process. Both of these actions will bolster cleanup of PFAS at facilities across the country.

In fiscal years 2025-2026, EPA, through OLEM and the ORCR, will develop and implement key high priority rules and various guidances to advance RCRA's environmental objectives. ORCR will continue to coordinate with other headquarters offices (e.g., OECA and OGC), as appropriate. ORCR will implement, working with our state and Tribal partners, the Coal Combustion Residuals (CCR) related provisions of the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act). Regions also have an important role in the development and implementation of rules, guidances, and the WIIN Act.

EPA will continue to implement the hazardous waste import/export notice and consent program. EPA headquarters is working with the regions and other governments, as appropriate, to process thousands of import/export notices we receive every year and is leveraging an updated processing system to further streamline and improve the Waste Import/Export Tracking System (WIETS).

<u>EPA Headquarters</u>

- Lead national rulemaking and guidance development efforts for priority work.
- Such priority work includes the evaluation of select PFAS constituents for inclusion in a proposed rule to add them to the hazardous constituents list in Appendix VIII of 40 CFR Part 261 and inclusion of those listed PFAS constituents under the corrective action requirements at hazardous waste TSDFs.
- Explore and document methods for engaging communities during the regulation and guidance development process.
- Integrate environmental justice, civil rights, and equity principles into decision-making using rulemaking, policy, screening, and legal tools.
- Consider climate change implications, for both adaptation and mitigation, early in regulatory development and the Regulatory Impact Analysis processes.
- After regulations are promulgated or guidance issued, OLEM will provide guidance, national direction, and training, as appropriate and resources allow.
- Maintain and improve functionality in RCRAInfo to capture information across the RCRA program.
- Support a collaborative headquarters, regional, and state effort to maintain and improve data accuracy and completeness of data in RCRAInfo to ensure effective management of the RCRA program.

- Serve as the U.S. competent authority for hazardous waste imports and exports.

EPA Regions, States and Tribes

- Provide comments during the rule and guidance development process, that reflect insights developed from implementation experience.
- Provide direct rule implementation if that authority is granted by the rulemaking or new statutory authority (specifically under the WIIN Act, EPA implements the CCR permit program on Tribal lands).
- After rule promulgation, regions, working with OLEM as appropriate, should provide technical assistance to both state implementers and the regulated community, including direct assistance and training.
- Work closely with our state partners to ensure the CCR-related provisions of the WIIN Act are appropriately implemented by states.
- Make state authorization for new (and certain existing) RCRA regulations a priority; regions should also make approval of state CCR permit programs a priority. During these processes, regions should raise any technical and authorization process issues to headquarters for a prompt response.
- Ensure all RCRAInfo mandatory data elements for the RCRA program are maintained within the negotiated timeframes.
- Review hazardous waste import notices and provide recommendations for consent or objection in accord with established timeframes. Work with headquarters on improving efficiency and responsiveness of the notice and consent process.

Implementing Recent Final Rules

EPA Headquarters

- In FY 2025-2026, OLEM will continue outreach, training, and assistance to states and Tribes implementing substantive final RCRA rules promulgated since FY 2015 (e.g., Pharmaceuticals, Airbag Interim Final Rule, Non-Hazardous Secondary Materials, or NHSM; Definition of Solid Waste, or DSW; Universal Waste Aerosol Cans; Hazardous Waste Generator Improvements; Import/Export Revisions; and Modernizing Ignitable Liquids Determinations).
- Substantive changes to the RCRA regulations require greater assistance to states, who are ultimately responsible for implementing most RCRA regulations. This process can take a number of years depending on effective dates and whether state adoption requires state legislative changes.

EPA Regions

- In FY 2025-2026, EPA regional offices will be involved in implementing, and/or assisting states in adopting and implementing, recently promulgated final RCRA rules.
- Assist OLEM in identifying and resolving issues related to the Import/Export

requirements.

- Support OLEM in helping states to adopt the revisions to, and seek guidance on implementing, the HW Pharmaceuticals Rule and the Generator Improvements Rule including working with states on additional activities designed to improve implementation of these rules.
- Support OLEM in responding to petitions submitted for categorical non-waste determinations under the NHSM rule, either by direct response or by working with OLEM on any multi-regional response.
- Support OLEM in assisting states to work closely with their generator and transporter communities on e-manifest implementation.
- Continue participating on workgroups, timely raising issues to headquarters for resolution, and participating in the development and implementation of rules and guidances.

Implementation of the WIIN Act/ CCR Disposal Rule

EPA Headquarters

- Continue to implement the WIIN Act by supporting states in the development of state programs, by reviewing and approving state programs; and, by establishing and beginning to implement a federal permit program on Indian lands and in non-participating states.
- Continue to be engaged in extensive reviews of compliance information found on a facility's publicly accessible CCR Internet site.

EPA Regions

- Support OLEM with supporting states in the development of state programs and in review and approval of state CCR permit programs.
- Support OLEM on implementing the CCR federal permit program.
- Support OLEM on implementing the CCR final rule through oversight and monitoring facility compliance activities at CCR disposal sites with a focus on corrective action and closure.

e-Manifest System

On October 5, 2012, the President signed the Hazardous Waste Electronic Manifest Establishment Act authorizing a fee-funded electronic reporting program for entities transporting hazardous wastes that are regulated pursuant to the Resource Conservation and Recovery Act (RCRA). On June 30, 2018, e-Manifest deployed with the functionality to submit, edit, and sign manifests through a web application and through a system-to-system data exchange. This effort to streamline and modernize environmental protection remains a flagship

project in the state/EPA E-Enterprise initiative. The e-Manifest team will continue to enhance system functionality by working alongside industry, states, and other interested parties.

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

EPA Headquarters

- Work toward greater adoption of fully electronic manifests including signature solutions outside the scope of Cross-Media Electronic Reporting Rule (CROMERR).
- Collect user fees through timely invoicing and payment via e-Manifest. Establish new user fee as required through User Fee Rulemaking.
- Work alongside OCFO to enhance e-Manifest financial reporting.
- Enhance e-Manifest system functionality, including extensive system testing and frequent outreach to both industry and state users of the system to ensure functionality meets end user needs.
- Continue engagement with EPA regions, states, industry, and other interested groups through sustained outreach and multiple communication activities.
- Convene the e-Manifest Advisory Board annually to obtain the Board's recommendations and advice on the implementation and functionality of the e-Manifest system.
- Work with states to enable access to e-Manifest data, specifically via the web application or through EPA's application programming interface (API).

EPA Regions

- Serve as regional points-of contact for states and industry on e-Manifest program. Assist with e-Manifest implementation and communication and raise issues to EPA headquarters.
- Work in collaboration with states as applicable, and with industry to facilitate user registration, use of electronic manifests, and timely payment by receiving facilities.
- Assist states with authorization for e-Manifest rulemakings.

States

- Set up states to access and correct e-Manifest data, such as through the RCRAInfo web application and/or API and data services.
- Engage in e-Manifest communications, such as webinars and meetings.
- Expand state testing pool to include policy experts to test e-Manifest workflows, user interface, and data quality.

- Engage with generators, transporters, and receiving facilities to encourage user registration for e-Manifest and use of electronic manifests. Raise issues to EPA regional points-of contact.
- Adopt and become authorized for e-Manifest rulemakings.
- Assist in maintaining list of state-regulated wastes in RCRAInfo and e-Manifest. Assist with communicating e-Manifest to state-only regulated industry.

Improving Recycling and Advancing a Circular Economy for Materials

Recycling is an important part of a circular economy, which refers to a system of activities that is restorative to the environment, enables resources to maintain their highest values, and designs out waste. A circular economy approach provides direct, measurable reductions in greenhouse gas emissions, as natural resource extraction and processing make up approximately 50 percent of total global greenhouse gas (GHG) emissions.

EPA's work in this program area will help alleviate burdens on populations that bear the brunt of poorly run waste management facilities and transfer stations, as well as underinvestment in waste management infrastructure, by helping to create more sustainable materials management practices and spur economic opportunity with safe jobs. To better understand the impacts on various communities from disposal, EPA is conducting a study that is assessing the social costs associated with waste. Specifically, we are examining the impacts of disposal on environmental and social issues, such as air and water quality, property prices, and worker health. We will also provide recommendations based on which interventions are more effective in reducing impacts to communities and the environment.

EPA will continue implementing the IIJA during fiscal years 2025-2026. The IIJA provides an unprecedented $350M in grant funding for two new grant programs: the Solid Waste Infrastructure for Recycling (SWIFR) grant program, which is focused on enhancing solid waste management infrastructure, and the Recycling Education and Outreach (REO) grant program, which is focused on improving consumer education on recycling and waste prevention. States, territories, Tribes, and local governments are included as eligible recipients for the grant programs outlined within that funding. In FY 2024, EPA expects to complete awarding the first round of funding totaling approximately $200 million. In FY 2025 and FY 2026, EPA expects to announce additional funding opportunities and award the remaining $150 million in IIJA funds.

Other directives in the IIJA include development of a model recycling program toolkit for states, local governments, and Tribes; increasing coordination at the federal level on federal agencies' responsibilities under the Comprehensive Procurement Guidelines (CPG) program (including the frequency by which EPA must review the CPGs); $25 million to support the development of best practices for battery recycling and a voluntary labeling program and other communication

materials. In FY 2024, EPA continued to enhance the Model Recycling Program Toolkit and submitted reports to Congress on the CPG program and the best practices for battery collection. In FY 2025 and FY 2026, EPA expects to engage states, local governments, and other interested parties to develop and finalize the best practices and labeling guidelines.

This continued investment in solid waste management will help communities begin to modernize their local waste management systems by investing in technology, increasing opportunities to reduce, reuse and compost materials, and expanding access to recycling across the country. It also will provide state, Tribal, and local governments with funding to improve education and outreach on how to recycle right. For the public, this investment will mean clean and safe materials management facilities in communities, new jobs, reduced environmental and climate impacts from materials, and an ability to recycle with confidence knowing that the right materials are making it into the bin and being recycled.

EPA also will continue implementing the Save our Seas Act 2.0 with activities focused on reducing plastic waste. For example, EPA will finalize and implement the Draft National Strategy to Prevent Plastic Pollution, which identifies the challenges and actions needed to help our nation reduce plastic waste and other materials that end up in our waterways and oceans. EPA also will share information about several reports released in FY 2024, including reports on eliminating barriers to recycling, economic incentives to spur new end-use markets, opportunities for innovative uses of plastic waste, and minimizing the creation of new plastic waste and the GHG emissions of the plastic lifecycle.

<u>EPA Headquarters</u>

- Collaborate with and convene federal, state, local and Tribal organizations, communities, and other interested parties to implement the *National Recycling Strategy, and Plastics Strategy*. Develop, obtain public comment on, and finalize additional strategies in the Circular Economy series, including food waste and organics, textiles, and the built environment.
- Implement the IIJA grant programs and other activities supporting improvements to state, Tribal and local solid waste management programs and recycling education and outreach. Increase federal coordination and responsibilities regarding the Comprehensive Procurement Guidelines program and provide assistance to the educational community to promote the introduction of recycling principles and best practices into public school curricula.
- Implement Recycling Infrastructure and Education and Outreach grants as part of the Justice40 initiative.
- Implement Recycling Education and Outreach grants to ensure we meet the 20% funding allocation for low-income communities, rural communities, and tribal and indigenous peoples as well as the Justice40 initiative goals.

- Provide technical assistance to SWIFR and REO grantees and potential future applicants through the OEJ TCTAC centers and a new technical assistance platform funded by EPA.
- Conduct a comprehensive environmental justice analysis of all types of solid waste management facilities including recycling, transfer stations, incinerators, and other facilities to better understand the impacts of solid waste infrastructure on communities.
- Finalize studies and implement other activities under the 2020 Save Our Seas 2.0 Act addressing land-based contributions to the mismanagement of post-consumer materials and plastic waste.
- Develop and promote, in coordination with states, Tribes, local governments, NGOs and the private sector, best practices for the collection of batteries to be recycled, including how to maximize collection volumes and be as economically feasible as practicable while increasing safety for the workers.
- Develop and implement a voluntary labelling program for batteries along with educational materials on battery recycling and reuse for battery producers and consumers.
- Create and implement other funding opportunities, as approved and available.

<u>EPA Regions</u>

- Administer grants issued as part of the IIJA and provide technical assistance to states, Tribes, and municipalities to support grant implementation.
- Support national solid waste management data collection efforts and activities.
- Continue regional dialogues with interested parties to support the implementation of the Circular Economy Strategy series.

<u>States and Tribes</u>

- Continue to engage with EPA at the regional or national level on data needs, implementation of the IIJA grant programs, and activities undertaken in support of the circular economy strategy series.

Reducing Food Loss and Waste

In the United States, over 30 percent of all available food goes uneaten through loss or waste. Discarded food ends up in communities' landfills and produces methane, which is a potent greenhouse gas. Methane emissions from landfills is the 3rd largest source of human-related methane in the U.S.

EPA's recent research shows that food waste is responsible for 58% of methane emissions released from landfills in the United States. In fact, each year, U.S. food loss and waste contributes the greenhouse gas emissions equivalent to that of 60 coal-fired power plants and requires enough water and energy to supply more than 50 million homes. EPA's research

demonstrates that an effective way to reduce these methane emissions is to keep food out of our landfills. Achieving the U.S. goal to reduce food loss and waste by 50% by 2030 will require action at all levels of government working collaboratively with the private sector.

EPA Headquarters

- Finalize and implement the *Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics* as a part of the circular economy strategy series.
    - Prioritize meeting the needs of underserved and vulnerable communities and communities with environmental justice and civil rights concerns across actions in the strategy.
    - Prioritize food waste prevention in the strategy, due to its ability to both help feed food-insecure Americans and to maximize upstream greenhouse gas and other emission reductions.
    - Highlight opportunities to build community-scale organics recycling infrastructure, reducing pollution and creating jobs, and to use compost made from recycled organic waste to build green infrastructure and remediate contaminated properties in communities with environmental justice and civil rights concerns in the strategy.
- Provide credible information and data on wasted food, including generation and management pathways.
- Co-lead industry engagement and public commitment to the national goal with USDA and the U.S. Food Loss and Waste 2030 Champions.
- Conduct national outreach and education on reducing food loss and waste and reducing the associated GHG emissions through social media and other communications mechanisms.
- Collaborate with USDA and FDA and other federal agencies, national trade associations and business organizations, and NGOs and community organizations in leading the reduction of food loss and waste.
- Create and implement funding opportunities, as approved and available.
- Implement the IIJA grant programs and other activities supporting improvements to state, Tribal and local solid waste management programs and recycling education and outreach, including food and organics waste management.

EPA Regions

- Convene collaborations with regional interested parties– industry, government representatives, non-profits, and others – to pursue solutions to reduce food loss and waste.
- Support regional, state, and local groups through the use of EPA tools and sharing of information.
- Continue interested party dialogues to support implementation of the national food and organics strategy, as a part of the circular economy strategy series.

- Implement and support sustainable management of food funding opportunities, as available.

States and Tribes

- Continue to engage with EPA at the regional or national level on implementation of the IIJA grant programs and to increase awareness of opportunities, challenges, and solutions to reducing food loss and waste at various points in the food system.

Underground Storage Tanks

The Underground Storage Tank (UST) program consists of two parts: The prevention program (referred to here as the UST program) that works to prevent releases, and the cleanup program (referred to here as the LUST program) that works to clean up contamination from USTs. Threats from a leaking UST include the potential for vapor intrusion into homes and other structures as well as contamination of groundwater, the source of drinking water for nearly half of all Americans.

The UST program helps prevent these releases by providing states[14] and Tribes with training, technical assistance, and guidance. A major/core UST program activity is to provide financial assistance grants to enable state UST inspections (and other Energy Policy Act of 2005, EPAct, provisions). EPA implements the UST program in Indian country and works in partnership with Tribal governments to prevent petroleum releases from USTs. In Indian country, EPA works with Tribal governments to provide compliance assistance, performs inspections, and takes resulting enforcement actions to address violations.

The LUST program ensures that petroleum contamination is properly assessed and cleaned up. EPA issues, monitors, and oversees LUST cleanup cooperative agreements to states who oversee cleanups by responsible parties and in some instances perform direct assessment and cleanup work at sites where the owner is unknown, unwilling, or unable to pay for the cleanup. EPA also provides technical assistance and training to states on how to conduct cleanups and improve the efficiency of state programs. EPA implements the LUST program in Indian country in partnership with Tribes. In Indian country, EPA oversees cleanups by responsible parties, conducts site assessments, remediates contaminated water and soil, provides alternative sources of drinking water when needed, and may enforce against responsible parties and has some cooperative agreements with Tribes.

Approximately 71 million people—roughly 21 percent of our country's population—live within 0.25 mile of an active underground storage tanks. These communities are made up of

[14] State as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

populations with greater percentages of racial and ethnic minorities, low-income residents, linguistically isolated persons, and individuals without a high school education than the United States population as a whole.[15] Environmental justice is an important priority for the UST program and the program will continue to focus its efforts to addressing these concerns. EPA will work to integrate environmental justice and civil rights into UST release prevention and cleanups decision-making, ensuring the most vulnerable communities are protected from further environmental harm. Headquarters will be working closely with its regional and state counterparts to fully implement and realize the potential of the Administration's Justice40 effort.

Addressing climate change is an equally important and often connected priority to environmental justice. Headquarters and regions will continue to help UST owners and operators prepare for and recover from extreme weather events and impacts.

EPA Headquarters and Regions

Prevention:

- Work to integrate environmental justice considerations into UST programs and programmatic decisions including incorporating EJ commitments in state grant workplans.
    - Increase focus, attention, and resources in areas with potential environmental justice concerns; consider cumulative environmental impacts faced by those living in underserved communities overburdened by pollution.
- Work to support Executive Order 14008 Tackling the Climate Crisis at Home and Abroad.
- Provide support to communities with UST issues.
- Provide guidance, training and assistance to the UST regulated community to improve understanding and compliance.
- Coordinate with state and Tribal UST programs.

Cleanup:

- Work to integrate environmental justice considerations into LUST programs and programmatic decisions including incorporating EJ commitments in state grant workplans.
    - Increase focus, attention, and resources in areas with potential environmental justice concerns; consider cumulative environmental impacts faced by those living in underserved communities overburdened by pollution.

[15] U.S. EPA, Office of Land and Emergency Management July 2023. Data collected includes: (1) LUST information as of late-2018 to mid-2019 depending on the state from Office of Research Development & Office of Underground Storage Tanks, UST Finder, https://gispub.epa.gov/ustmap; and (2) population data from the 2017-2021 American Community Survey, 2020 – 2021 Tribal lands and U.S. territories.

    - Work to support the goals of the Justice40 Initiative.
- Work to support Executive Order 14008 Tackling the Climate Crisis at Home and Abroad.
- Work with states and Tribes to implement strategies to reduce the number of LUST sites that have not reached cleanup completion, and to address new releases as they are confirmed.
- Monitor the soundness of financial mechanisms, particularly insurance and state cleanup funds that serve as financial assurance for LUST releases.
- Collaborate with states to seek ways to cover and control remediation cost.
- Conduct and oversee cleanups in Indian country.

EPA Headquarters

Prevention:

- Provide states and Tribes with training, technical assistance, and guidance.
- Work with and provide support to the regions to:
    - Oversee states and territories who are the primary implementors of the UST programs including implementation of the revised UST regulations.
    - Implement the UST program in Indian country, including promoting UST compliance on Tribal lands.
- Perform national analysis of program performance, including reviewing and managing data quality, and establishes strategic direction to achieve national program goals.
- Continue to support the environmental indicator with UST and LUST data in EJScreen, EPA's environmental justice screening and mapping tool.
- Prepare for looming changes in UST industry due to aging tanks and the transition to electric vehicles.

Cleanup:

- Ensure that all Build America Buy America (BABA) requirements are being implemented.
- Provide technical assistance and training to states and Tribes to improve corrective action at LUST sites and the efficiency of LUST programs.
- Work with and provide support to the regions to:
    - Oversee the regions' direct implementation of the LUST program in Indian country.
- Perform national analysis of program performance, including reviewing and managing data quality, and establish strategic direction to achieve national program goals.
- Promote (along with states) the reuse of petroleum brownfields, look for opportunities to partner with local implementers to engage communities, identify cleanup corridors, and/or bring stakeholders and partners to the table to clean up and redevelop sites.
- Continue to support the environmental indicator with UST and LUST data in EJScreen, EPA's environmental justice screening and mapping tool.

- Prepare for looming changes in UST industry due to aging tanks and the transition to electric vehicles.

EPA Regions

Prevention:

- Award, monitor and oversee LUST Prevention cooperative agreements and STAG grants to states, including post award management of existing LUST Prevention cooperative agreements and STAG grants as they close out prior years' funding.
- Work closely with states to oversee compliance with the provisions of EPAct.
- Verify the accuracy and completeness of data provided by states and work with states to improve their data quality and systems, where appropriate.
- Conduct inspections using the applicable EPA or state guidance to evaluate compatibility in systems storing higher blends of emerging fuels.
- Work with partners to identify, assess and close abandoned tanks.
- Take appropriate enforcement on violations, including implementation of Delivery Prohibition and utilization of expedited enforcement tools, as applicable. (Regions should refer to the OECA NPG for further guidance on enforcement priorities and commitments for regional UST programs.)
- Review and approve updated State Program Approval applications.
- Maintain the 3-year inspection mandate in Indian country, and assist states, as needed.
- Work with Tribes to:
    - Implement the 2015 regulations in Indian country making use of the expedited enforcement tools and policies provided as part of the ongoing Tribal Compliance pilot.[16]
    - Provide compliance assistance to UST owners and operators in Indian country.
    - Build Tribal government UST program capacity.

Cleanup:

- Implement the LUST program in Indian country, working with Tribes to:
    - Oversee cleanups by UST owners and operators.
    - Cleanup sites.
    - Build Tribal government LUST program capacity.
- Provide oversight of state LUST programs and work with states to pursue state-specific backlog reduction strategies.
- Ensure that Build American Buy American (BABA) requirements are included in state cleanup grants.

[16] Office of Enforcement and Compliance Assurance, Tribal Underground Storage Tank Compliance Pilot (2022). www.epa.gov/enforcement/tribal-underground-storage-tank-compliance-pilot.

- Issue, monitor and oversee LUST cleanup cooperative agreements to states and Tribes, and implement award and post award management of LUST cleanup cooperative agreements.
- Verify the accuracy and completeness of data provided by states and work with states to improve their data quality and systems, where appropriate.
- Take (along with states) enforcement action to spur cleanup. (Regions should refer to the OECA NPG for further guidance on enforcement priorities and commitments for regional UST programs.)
- Implement (along with states) the Petroleum Vapor Intrusion Guidance as appropriate when assessing vapor intrusion at LUST sites.
- Work with states to assess LUST backlog reduction efforts and develop improvement plans and initiatives in one or more state within each region.

States

Prevention:

- Work to integrate environmental justice considerations into UST program and programmatic decisions.
    - Increase focus, attention, and resources in areas with potential environmental justice concerns; consider cumulative environmental impacts faced by those living in underserved communities overburdened by pollution.
    - EPA developed and shared a series of options for consideration when integrating EJ into program decisions.
- Work to support Executive Order 14008 Tackling the Climate Crisis at Home and Abroad.
- Implement EPAct requirements.
- Conduct inspections to ensure regulated entities comply with release detection, leak prevention, and financial responsibility requirements. The EPAct requires all regulated facilities to be inspected at least once every three years.
- Implement provisions of the 2015 UST regulations, including taking appropriate steps to adopt new regulations, applying for state program approval, and updating Memorandums of Agreement.
- Undertake QA/QC efforts of semiannual performance results and report required data in a timely manner.

Cleanup:

- Work to integrate environmental justice considerations into LUST programs and programmatic decisions.
    - Increase focus, attention, and resources in areas with potential environmental justice concerns; consider cumulative environmental impacts faced by those living in underserved communities overburdened by pollution.

    - EPA developed and shared a series of options for consideration when integrating EJ into program decisions.
    - Work to support the goals of the Justice40 Initiative (including reporting location information semiannually in LUST4 (i.e., street address and/or coordinates) for each cleanup completed).
- Work to support Executive Order 14008 Tackling the Climate Crisis at Home and Abroad.
- Perform or oversee site assessments, investigations, and remediation of high priority sites; take enforcement against responsible parties; perform cleanup of soil and groundwater; provide alternate water supplies; pursue cost recovery against LUST owners and operators; provide technical expertise and assistance; perform response activities; and perform oversight of responsible party lead cleanups.
- Undertake QA/QC efforts of semiannual performance results and report required data in a timely manner.
- Implement strategies to reduce their LUST backlogs, such as increasing the efficiency of cleanups, examining existing remediation policies, leveraging private and state resources, and enabling community redevelopment.
- Conduct (along with regions) annual reviews of all active state funds to ensure that funding is available for cleanups, when needed.
- Implement (along with regions, as necessary) the Petroleum Vapor Intrusion Guidance as appropriate when assessing vapor intrusion at LUST sites.

Measures: The NPG measures supporting this program are 112, 113 and UST01. These measures can be found in Section V, FY 2025 National Program Guidance Measures, on pages 55-56.

Environmental Justice

Environmental Justice (EJ) or promoting healthy, equitable and environmentally sound conditions for all people, is a priority throughout OLEM's programs. By integrating EJ and civil rights principles into its programs, OLEM seeks to mobilize resources to address the needs of disproportionately overburdened and underserved communities. OLEM supports cross-agency coordination with other NPMs and the EPA regions to create tangible, healthy, measurable, and sustainable improvements in communities. In many instances, children living in communities with environmental justice concerns are the most vulnerable to pollutants or contaminants, and in recognition of that, OLEM will consider impacts on children in its activities.

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

EPA Headquarters and Regions

- Implement OLEM's EJ Action Plan and provide public engagement opportunities throughout its program areas.
- Integrate EJ principles into programmatic and regional decision-making using rulemaking, policy, screening, and legal tools.
- OLEM EJ and Tribal programs will coordinate and collaborate with the American Indian Environmental Office's workgroup on implementing the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples. Integrating EJ principles in a consistent manner in the agency's work throughout Indian country, will promote the health and environment of federally recognized Tribes, indigenous people and others living in Indian country.
- Strengthen the use of scientific and technical processes and policies to identify cumulative impacts from stressors that may lead to environmental and health inequities in overburdened and underserved communities.
- Continually consider community concerns, needs and participation in program decision-making and help communities connect to all available federal, state, and private expertise and resources to create tangible, sustainable outcomes.
- Strengthen partnerships with Tribal and state governments by building alliances and leveraging resources to address local environmental concerns in overburdened and underserved communities.

SECTION III. Implementing Tribal Work

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

EPA Headquarters and Regions

- Work directly with Tribes to implement federal environmental programs in Indian country.
- Implement the *EPA Policy for the Administration of Environmental Programs on Indian Reservations*, the *Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*, the *EPA Policy on Consultation and Coordination with Indian Tribes*, the *EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples*, the *Guidance for Discussing Tribal Treaty Rights*, as well as the two OLEM and OSRTI traditional ecological knowledge/indigenous knowledge memorandums (*Considering Traditional Ecological Knowledge During the Cleanup Process* and *Consideration of Tribal Treaty Rights and Traditional Ecological Knowledge in the Superfund Remedial Program*).
- Continue to provide outreach materials, training, technical assistance, regulatory action coordination/consultation, and program information to Tribes to assist in understanding and providing input on OLEM's programs and mission.

EPA Headquarters

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

EPA Regions

- During interactions with a Tribe, EPA is encouraged to reference the existing EPA-Tribal Environmental Plan (ETEP) to inform the understanding of the Tribe's environmental priorities.

Tribes

- Participate in conferences, meetings, trainings, webinars, etc. to build capacity to effectively implement cleanup, prevention, and response programs in Tribal communities.
- Participate in consultation and outreach events and provide comments, feedback, and Tribal perspectives on proposed regulations and other actions.
- Collaborate and coordinate with OLEM on program implementation plans or activities to achieve environmental goals, as appropriate.
- Engage with EPA headquarters and regional staff and other entities to improve program implementation.

Measures: The NPG measure supporting this program is 113. This measure can be found in Section V, FY 2025 National Program Guidance Measures, on page 56.

SECTION IV. FLEXIBILITY AND GRANT PLANNING

OLEM FY 2025-2026 Grants Management Guidelines

Effective Grants Management

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

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

OLEM's Acquisition and Resources Management Staff (ARMS) serves as liaison to EPA's Office of Grants and Debarment (OGD) and the first resource for Project Officers and their managers in disseminating, implementing, and ensuring compliance with EPA new and existing grants management policies and procedures. ARMS also serves as the point of contact in consultations with our regional offices and Grant Coordinators Workgroup.

ARMS's central coordinating role serves to ensure consistent implementation and compliance with agency grants management policies and procedures throughout OLEM Headquarters and regional program offices. This enables OLEM project officers to focus on how best to properly manage assistance agreements to meet program goals and objectives.

Alignment of National Program Guidance and Grant Work Planning

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

Timing of Guidance Issued for Categorical Grants

1. All guidance packages for categorical grant programs are to be issued by Spring of the year in advance of the fiscal year of availability of funds, if at all possible (e.g., guidance for fiscal year 2025 appropriated funds should be issued by Spring 2024). Not all categorical grant programs issue annual guidance. These programs may simply indicate that they are continuing to use their current guidance.
2. OLEM affirms our commitment to NEPPS and encourages the use of Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) as vehicles for increasing financial and programmatic flexibilities for states, Tribes, and territories.

In those instances where PPAs/PPGs are engaged, we encourage OLEM headquarters and regional offices to consider input received from state and Tribal partners when developing grant guidance and work plans. OLEM-specific PPG-eligible grants include Hazardous Waste Management – SWDA 3011(a), Brownfields Response – CERCLA 128(a), and State Underground Storage Tanks – SWDA 2007 (f)(2). More information on NEPPS, PPAs, and PPGs can be found within the Office of Congressional and Intergovernmental Relations NPG[17] and on the EPA's NEPPS website.

Environmental Justice and Equity

OLEM is working to meet the requirements of Executive Order 14008 Tackling the Climate Crisis at Home and Abroad including the goals of the Justice40 Initiative. OLEM programs are committed to finding opportunities across their programmatic responsibilities to identify and address environmental justice concerns. This includes, but is not limited to, addressing this priority during the development of grant announcements, work plans and terms and conditions. OLEM Project Officers should include language in their grant documents focusing on environmental justice considerations, and on climate resilience/adaptation and mitigation considerations, whenever appropriate.

Compliance with EPA Grants Policies

The OLEM National Program Guidance and grant guidances should comply with OGD policies and guidance. All competitive grant solicitations and all grant workplans (competitive and noncompetitive) must address current EPA priorities and comply with EPA Order 5700.7A1 EPA's Policy for Environmental Results under EPA Assistance Agreements[18], which requires a description of how the work under the assistance agreement links to the EPA Strategic Plan. In addition, programs and regions should include appropriate metric requirements in the grant criteria and workplan.

Promoting Competition

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

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

[17] The Office of Congressional and Intergovernmental Relations FY 2025-2026 NPG can be found here https://www.epa.gov/planandbudget/national-program-guidances-npgs

[18] For more information on E.O. 5700.7A1, EPA's Policy for Environmental Results under EPA Assistance Agreements, please see https://www.epa.gov/grants/epa-order-57007a1-epas-policy-environmental-results-under-epa-assistance-agreements

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

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

Grants.gov

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

The policy establishes Grants.gov as the EPA standard for the submission of initial proposals/applications for competitive and non-competitive assistance agreement awards.

Except in limited circumstances, the policy requires EPA officials to ensure that all initial competitive and non-competitive proposals/applications are submitted to EPA electronically through Grants.gov.

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

Federal Civil Rights Responsibilities, including Title VI of the Civil Rights Act of 1964

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." *See* Presidential Memorandum at https://www.epa.gov/sites/default/files/2015-02/documents/clinton_memo_12898.pdf.

EPA enforces federal civil rights laws that together prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex, and age, respectively Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title IX of the Education Amendments of 1972 (Title IX), Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) and the Age Discrimination Act of 1975 (Age Discrimination Act). All applicants for and recipients of EPA financial assistance have an affirmative obligation to comply with these laws, as do any subrecipients of the primary recipient, and any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. *See* federal civil rights laws and EPA's regulation at https://www.epa.gov/external-civil-rights/federal-civil-rights-laws-including-title-vi-and-epas-non-discrimination. [19]

EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including sub-recipients) of EPA financial assistance. These requirements include having 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, developing policies and 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 furthers recipients' compliance with these obligations through pre-award reviews, technical assistance and training, additional clarifying guidance and enhanced civil rights enforcement. Accordingly, EPA will carefully evaluate to ensure all recipients are in compliance

[19] See Title VI, 42 U.S.C. 2000(d) et seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Lau v. Nichols, 414 U.S. 563, 568-69 (1974) (finding that the government properly required language services to be provided under a recipient's Title VI obligations not to discriminate based on national origin); 40 C.F.R. § 7.35(a). See also U.S. EPA, Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 69 FR 35602, June 25, 2004. Available at: https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi; U.S. EPA, Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 FR 14207, March 21, 2006. Available at: https://www.epa.gov/sites/default/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf); U.S. EPA, Procedural Safeguards Checklist for Recipients. Available at: https://www.epa.gov/sites/production/files/2020-02/documents/procedural_safeguards_checklist_for_recipients_2020.01.pdf (rev. Jan. 2020) (which provides a more detailed explanation of nondiscrimination obligations and best practices); U.S. EPA, Disability Nondiscrimination Plan Sample, at https://www.epa.gov/sites/production/files/2020-02/documents/disability_nondiscrimination_plan_sample_for_recipients_2020.01.pdf. (2017).

with federal civil rights obligations. *See* website for Preaward information, Tips for Completing EPA Form 4700-4.

For more information about the federal civil rights laws enforced by EPA, including Title VI, please visit: https://www.epa.gov/external-civil-rights/federal-civil-rights-laws-including-title-vi-and-epas-non-discrimination.

Section V. FY 2025 National Program Guidance Measures

BFS Code	Measure Text	FY 2025 National Target
151	Number of Superfund sites with human exposures brought under control.	12
155	Number of Superfund cleanup projects that address lead as a contaminant.	45
170	Number of remedial action projects completed at Superfund NPL sites.	75
S10	Number of Superfund sites ready for anticipated use site-wide.	7
137	Number of Superfund removals completed.	183
ER01	Number of emergency response and removal exercises that EPA conducts or participates in.	120
ER02	Percentage of emergency response and removal exercises that EPA conducts or participates in that incorporate environmental justice.	40
B29	Brownfields properties assessed.	1,650
B32	Number of Brownfields properties cleaned up.	160
B30	Number of Brownfields sites made ready for anticipated use.	600
PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals.	
PC3	Number of PCB approvals issued under authorities other than 40 CFR 761.61(a) or (c).	
HW4	Number of hazardous waste units with initial controls in place to prevent release.	
HW5	Number of updated permits issued at hazardous waste facilities.	117
RSRAU	Number of RCRA Corrective Action facilities made ready for anticipated use.	70
CA1	Number of RCRA facilities with human exposures to toxins under control.	
CA2	Number of RCRA facilities with migration of contaminated groundwater under control.	
CA5RC	Number of RCRA facilities with final remedies constructed.	44
CA6	Number of RCRA facilities with corrective action performance standards attained.	
112	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration.	6,815

BFS Code	Measure Text	FY 2025 National Target
113	Number of LUST cleanups completed in Indian country that meet risk-based standards for human exposure and groundwater migration.	11
UST01	Number of confirmed releases at UST facilities.	4,625

Notes: The OLEM NPG includes measures supporting the FY 2022-2026 EPA Strategic Plan, FY 2025 Congressional Justification and Annual Performance Plan and additional measures important to program management. The agency's headquarters and regional commitment-setting process for these measures, and for other internally-tracked measures, occurs each year in the fall. National targets for additional measures not included in the agency's strategic plan or budget will be determined as part of this process.

SECTION VI. KEY CONTACTS

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