

# EPA REGION 2

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

## ISSUE SUMMARY:

The territorial governments of the United States Virgin Islands (USVI) and Puerto Rico face significant capacity issues that affect their ability to manage EPA authorized programs. Territorial agencies have trouble hiring and retaining qualified staff, mostly due to low pay. Capacity issues affect all EPA authorized programs and are much more serious in the USVI than in Puerto Rico.

## KEY POINTS:

In the USVI, Region 2 primarily works with the USVI Department of Planning and Natural Resources (VIDPNR) on most programs and, through VIDPNR, also works with the VI Waste Management Authority (VIWMA). In Puerto Rico, our primary territorial counterpart is the Puerto Rico Department of Natural and Environmental Resources (PRDNER); we also work closely with the Puerto Rico Department of Health (PRDOH).

Some examples of significant issues in the USVI include:

- VIDPNR has been a high-risk grantee since 2014. VIDPNR is approximately seven fiscal years in arrears in providing documentation to support reimbursement of personnel costs; it relies on local funds to cover all personnel costs. Staffing shortages have also delayed submittal of grant applications for FY 2021, FY 2022, and FY 2023.
- In 2024, 59% of individual NPDES permits were backlogged, including all 8 major permits. VIDPNR has not issued a major permit since 2018 and only issued 4 minor permits in 2023.
- There are currently no staff to implement the VIDPNR's Quality Assurance Program and the Drinking Water Certification Program. All VIDPNR enforcement programs lack trained inspectors and enforcement actions have been minimal during the last years.
- VIDPNR has not renewed CAA Title V Operating Permits for the 6 facilities that are subject to these permits in the last 5 years (the duration period for these permits)
- There are significant RCRA and CAA compliance issues with several landfills in the USVI that are currently operating as open dumps, which has led to Consent Decrees. Progress in addressing the compliance issues has been slow, primarily due to the lack of any waste management personnel.

PRDNER and PRDOH are not high-risk grantees but are struggling to administer base funding and additional funding received under the Bipartisan Infrastructure Law and the Inflation Reduction Act.

## ONGOING/UPCOMING REVIEWS FOR FY2024:

Region 2 regularly meets with VIDPNR, VIWMA, PRDNER and PRDOH about programmatic issues and to discuss the ways that that Region can support territorial government agencies.

## KEY EXTERNAL STAKEHOLDERS:

- |                                   |   |  |                                 |                                |  |
|-----------------------------------|---|--|---------------------------------|--------------------------------|--|
| <input type="checkbox"/> Congress | <input checked="" type="checkbox"/> Industry          | <input checked="" type="checkbox"/> States | <input type="checkbox"/> Tribes | <input type="checkbox"/> Media | <input checked="" type="checkbox"/> Other Federal Agency |
| <input type="checkbox"/> NGO      | <input checked="" type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Public |                                 |                                |  |

## MOVING FORWARD:

Region 2 is employing many tools to help increase the capacity of territorial agencies and provide technical assistance. These include Interagency Personnel Agreements (IPAs), contractor assistance, enhanced oversight, technical assistance, and training. Recent significant departures of key managers and staff at VIDPNR are particularly concerning. Region 2 is elevating staffing issues to the Commissioner.