

Environmental Protection Agency

FY 2002 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Strategic Goal: EPA will ensure full compliance with the laws intended to protect human health and the environment.

Resource Summary

(Dollars in thousands)

		FY 1999 Enacted	FY 2000 Actual	FY 2001 Enacted	FY 2002 Request
Goal 09	A Credible Deterrent to Pollution and Greater Compliance with the Law	\$322,088.2	\$371,228.0	\$397,274.6	\$411,215.7
Obj. 01	Increase Compliance Through Enforcement.	\$279,217.7	\$321,135.6	\$344,745.7	\$356,652.5
Obj. 02	Promote Compliance Through Incentives and Assistance.	\$42,870.5	\$50,092.4	\$52,528.9	\$54,563.2
	Total Workyears	2,587.8	2,499.8	2,553.8	2,330.3

Background and Context

Protecting the public and the environment from risks posed by violations of environmental requirements is, and always has been, basic to EPA's mission. Many of America's environmental improvements over the last quarter century are attributable to a strong set of environmental laws and an expectation of compliance with those laws. EPA's enforcement program has been the centerpiece of efforts to ensure compliance, and has achieved significant improvements in human health and the environment.

Means and Strategies

Many of the environmental improvements in this country during the past 30 years can be attributed to a strong set of environmental laws and EPA's enforcement of them. Due to the breadth and diversity

of private, public, and federal facilities regulated by EPA under various statutes, the Agency needs to target its enforcement and compliance assurance activities strategically to address the most significant risks to human health and the environment and to ensure that certain populations do not bear a disproportionate environmental burden. A strong enforcement program identifies noncompliance problems, punishes violators, strives to secure a level economic playing field for law-abiding companies, and deters future violations. EPA's continued enforcement efforts will be strengthened through the development of measures to assess the impact of enforcement activities and assist in targeting areas that pose risks to human health or the environment, display patterns of noncompliance and include disproportionately exposed populations.

State, tribal and local governments bear much of the responsibility for ensuring compliance, and EPA works in partnership with them and other Federal agencies to promote environmental protection. Further, EPA cooperates with other nations to enforce and ensure compliance with environmental regulations. At the Federal level, EPA addresses its responsibilities under the National Environmental Policy Act (NEPA) by seeking remedies for potentially adverse impacts of major actions taken by EPA and other Federal agencies.

The Agency's enforcement and compliance assurance program uses voluntary compliance assistance and incentive tools to ensure compliance with regulatory requirements and reduce adverse public health and environmental problems. Maximum compliance requires the active efforts of the regulated community to police itself. EPA supports the regulated community by assuring that requirements are clearly understood and by helping industry find cost-effective options to comply through the use of pollution prevention and innovative technologies. EPA will continue to investigate options for encouraging self-directed audits and disclosure; measure and evaluate the effectiveness of Agency programs in improving compliance rates; provide information and compliance assistance to the regulated community; and develop innovative approaches to meeting environmental standards through better communication, cooperative approaches and application of new technologies.

Strategic Objectives and FY 2002 Annual Performance Goals

Objective 01: Increase Compliance Through Enforcement

- Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.

- EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.
- C EPA will conduct 15,000 inspections, 400 criminal investigations, and 200 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.
- C Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Objective 02: Promote Compliance Through Incentives and Assistance

- Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.
- Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

Highlights

Environmental Enforcement

Coordinating its activities with the states, EPA will continue to support deterrence and compliance activities by focusing its compliance monitoring on-site inspections and investigations,. In setting the compliance and enforcement priorities and strategic direction of the program, EPA coordinates its efforts with and solicits the views of our states partners. The Agency uses the State/EPA Enforcement Forum as a vehicle in advancing the coordination of efforts for joint strategic planning between EPA and the states.

The Agency will continue to work with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. Media-specific and industry sector-based priorities have been established for the national program through the Office of Enforcement and Compliance Assurance's Memorandum of Agreement 2002/2003 guidance, developed in conjunction with the Regional offices.

The civil and criminal enforcement program, in contributing to EPA's goal to protect public health and the environment, targets its actions based on health and environmental risk. The program aims to level the economic playing field by ensuring that violators do not realize an economic benefit from noncompliance and seeks to deter future violations. In FY 2002, the Agency's enforcement initiatives include enforcement of the lead paint rules, and modernization of its data systems to assist in targeting compliance and enforcement efforts.

State, Tribal, and International Capacity Building

A strong state and tribal enforcement and compliance assurance presence contributes to creating deterrence and to reducing noncompliance. In FY 2002, the enforcement and compliance assurance programs will work with and support state agencies implementing authorized, delegated, or approved environmental programs. This effort will increase in FY 2002 with establishment of a new grant program. These grants will allow states to expand their responsibility for enforcement of environmental laws and regulations. Consistent with regulations and EPA policy, the Agency will provide an appropriate level of oversight and guidance to states to ensure that environmental regulations are fairly and consistently enforced across the nation.

The Agency provides grant funding, oversight, training and technical assistance to states and tribes. The state and tribal grant programs are designed to build environmental partnerships with states and tribes and strengthen their ability to address environmental and public health threats. These threats include contaminated drinking water, pesticides in food, hazardous waste, toxic substances and air pollution.

Meeting its objective of achieving the benefits of environmental requirements through an enforcement presence requires EPA to effectively implement international commitments for enforcement and compliance cooperation with other countries, especially those along the U.S. border. Through such arrangements, EPA works to reduce environmental risks to U.S. citizens from external sources of pollution, as well as to prevent or reduce the impact of pollution origination in the United States.

Compliance Incentives and Assistance

The Agency will continue to support the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs. In FY 2002, the compliance incentives program will continue to implement the policy on Incentives for Self-Policing as a core element of the enforcement and compliance assurance program. In addition, the Agency will provide information and technical assistance to the regulated community through the compliance assistance program to increase its understanding of all statutory or regulatory environmental requirements, thereby reducing risk to human health and the environment and gaining measurable improvements in compliance. The program will also continue to develop strategies and compliance assistance tools that will support initiatives targeted toward improving compliance in specific industrial and commercial sectors or with certain regulatory requirements.

External Factors

The Agency enforcement and compliance program's ability to meet its annual performance goals may be affected by a number of factors. Projected performance could be impacted by natural

catastrophes, such as major floods or significant chemical spills, that require a redirection of resources to address immediate environmental threats. Many of the targets are coordinated with and predicated on the assumption that state and tribal partners will continue or increase their levels of enforcement and compliance work. If these assumptions do not come to fruition, EPA's resources may be needed to cover priority areas. In addition, several EPA targets rely on the Department of Justice to accept and execute case loads. The success of EPA's activities hinge on the availability and applicability of technology and information systems. Finally, the regulated community's willingness to comply with the law will greatly influence EPA's ability to meet its performance goals.

Other factors, such as the number of projects subject to scoping requirements initiated by other federal agencies, the number of draft/final documents (Environmental Assessments and Environmental Impact Statements) submitted to EPA for review, streamlining requirements of the Transportation Equity Act for the 21st Century (TEA-21), and the responsiveness of other federal agencies to environmental concerns raised by EPA, may also impact the Agency's ability to meet its performance goals.

Environmental Protection Agency

FY 2002 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Objective #1: Increase Compliance Through Enforcement

EPA and its state, tribal, and local partners will improve the environment and protect public health by increasing compliance with environmental laws through a strong enforcement presence.

Resource Summary

(Dollars in thousands)

	FY 1999 Enacted	FY 2000 Actual	FY 2001 Enacted	FY 2002 Request
Increase Compliance Through Enforcement.	\$279,217.7	\$321,135.6	\$344,745.7	\$356,652.5
Environmental Program & Management	\$188,095.7	\$227,652.3	\$247,128.0	\$234,926.1
Science & Technology	\$8,583.9	\$9,683.5	\$10,852.4	\$11,044.5
State and Tribal Assistance Grants	\$67,884.4	\$69,041.3	\$68,134.3	\$93,134.3
Hazardous Substance Superfund	\$14,653.7	\$14,758.5	\$18,631.0	\$17,547.6
Total Workyears	2,144.1	2,061.3	2,130.5	1,910.3

Key Programs

(Dollars in thousands)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Enacted	FY 2002 Request
Civil Enforcement CWA - CWAP/AFOs	\$0.0	\$935.6	\$977.3	\$0.0
RCRA State Grants	\$43,222.7	\$43,222.7	\$43,127.6	\$43,127.6

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Enacted	FY 2002 Request
Compliance Monitoring	\$57,462.0	\$56,404.2	\$56,781.2	\$50,127.0
Civil Enforcement	\$83,650.4	\$82,350.9	\$101,817.0	\$99,229.6
Criminal Enforcement	\$34,436.5	\$37,128.8	\$40,840.1	\$41,867.0
Compliance Assistance and Centers	\$36.6	\$0.0	\$0.0	\$0.0
Enforcement Training	\$3,804.0	\$5,705.4	\$5,277.7	\$4,312.6
State Pesticides Enforcement Grants	\$19,511.7	\$19,911.6	\$19,867.8	\$19,867.8
State Toxics Enforcement Grants	\$5,149.6	\$5,150.0	\$5,138.9	\$5,138.9
State Multimedia Enforcement Grants	\$0.0	\$0.0	\$0.0	\$25,000.0
Rent, Utilities and Security	\$0.0	\$35,123.3	\$34,719.8	\$33,737.6
Administrative Services	\$1,521.4	\$4,400.6	\$5,556.5	\$5,212.6
Regional Management	\$0.0	\$1,615.0	\$2,785.2	\$2,042.1

FY 2002 Request

Protecting the public and the environment from risks posed by violations of environmental requirements is, and always has been, basic to EPA's mission. The Agency's enforcement and compliance assurance program has been the centerpiece of efforts to provide a deterrent to pollution by ensuring compliance with environmental laws and regulations, and has achieved significant improvements in public health and the environment. By identifying and addressing violations of environmental statutes and regulations, the enforcement and compliance assurance program will work together with states and tribes toward continuous improvement in compliance with standards, permits and other established requirements to mitigate and avoid environmental problems and their associated risks.

Given the scope of its responsibilities and the large, diverse universe of private, public, and federal facilities regulated under the various statutes, the Agency also will work to maximize its effectiveness by strategically targeting its compliance and enforcement activities to address the most significant risks to human health and the environment and to address disproportionate burden on certain populations. A strong compliance and enforcement program achieves environmental protection by identifying noncompliance

problems, holding violators accountable and deterring future violations, while ensuring a level economic playing field for environmentally friendly companies.

State, tribal and local governments bear much of the responsibility for ensuring compliance. EPA will increase its efforts, through its new enforcement grant, to work with the states, tribes, and other Federal agencies to promote environmental protection. Further, EPA will cooperate with other nations to enforce and ensure compliance with international agreements affecting the environment. These activities also ensure a level economic playing field in an increasingly global trading system.

Environmental Enforcement

The Agency performs the compliance monitoring, civil enforcement, and criminal enforcement programs activities in this objective. In FY 2002, the Agency's enforcement and compliance assurance program will measure its performance not only in terms of inspections and enforcement actions, but also in terms of pollutant reductions, human health and environmental outcomes the program produces. This annual plan contains new annual performance goals and measures to show results such as reducing significant non-compliance and returning violators to compliance and behavioral changes resulting from compliance assistance efforts. These new measures will complement the traditional enforcement measures and portray a more complete picture of the environmental results of the enforcement and compliance assurance program.

Compliance Monitoring. The Agency reviews and evaluates the activities of the regulated community to determine compliance with applicable laws, regulations, permit conditions and settlement agreements and to determine whether conditions presenting imminent and substantial endangerment exist. The majority of workyears devoted to compliance monitoring are provided to the regions to conduct investigations and on-site inspections including monitoring, sampling and emissions testing. Compliance monitoring activities are both environmental media- and sector-based. The traditional media-based inspections are a key strategy for meeting the long-term and annual goals established for the air, water, pesticides, toxic substances, and hazardous waste environmental goals included in the EPA Strategic Plan. The multi-media approaches, such as cross-media inspections, sector initiatives, and risk-based targeting allow the Agency to take a more holistic approach to protecting ecosystems and to solving the more intractable environmental problems. Under the Federal Facility Compliance Act (FFCA), EPA conducts hazardous waste inspections of all Federal treatment, storage and disposal (TSD) facilities. The program will also conduct single media and multimedia inspections to ensure compliance by Federal facilities.

In FY 2002, EPA will review and respond to 100 percent of the notices for transboundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with international agreements and Resource Conservation and Recovery Act (RCRA) regulations. Through analysis of notices, manifests, tracking documents, and annual reports, EPA monitors compliance with relevant regulations and takes enforcement actions as necessary. While the vast majority of the hazardous waste trade occurs with Canada, the U.S. also has agreements concerning international trade in hazardous

wastes with Mexico, Malaysia, Costa Rica and member countries of the Organization for Economic Cooperation and Development (OECD). In calendar year 2000, EPA responded to notices regarding 8,357 distinct waste streams.

In FY 2002, the compliance monitoring program will continue to work with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. Media-specific and industry sector-based priorities have been established for the national program through the Office of Enforcement and Compliance Assurance's Memorandum of Agreement 2002/2003 guidance, developed in conjunction with the Regional offices. These national priorities may include: Clean Water Act (Wet Weather); Safe Drinking Water Act (Microbial Rules); Clean Air Act (New Source Review/Prevention of Significant Deterioration, Petroleum Refinery Sectors and Air Toxics); and RCRA (Permit Evaders).

In FY 2002, EPA estimates that it will conduct 15,000 inspections targeted to areas that pose risks to human health or the environment, display patterns of noncompliance or include disproportionately-exposed populations. As part of this inspection target, the Agency plans investing to perform 2,000 inspections under the lead provisions of the Toxic Substances Control Act (TSCA).

Civil Enforcement. The Agency's civil enforcement program will address violations of environmental laws and ensure that violators come into compliance with these laws and regulations.

The civil enforcement program supports the Agency's environmental goals through consistent and focused enforcement of all environmental statutes. The overarching goal of the civil enforcement program is to protect public health and the environment, and therefore, targets its actions based on health and environmental risk. Further, it aims to level the economic playing field by ensuring that violators do not realize an economic benefit from noncompliance, and seeks to deter future violations.

To accomplish these goals, the civil enforcement program is responsible for the development, litigation and settlement of administrative and civil judicial cases against serious violators of priority environmental laws. The federal program will focus its resources on national environmental and human health programs, transboundary pollutants, and major industrial violators. The Federal facilities enforcement program will continue to ensure that Federal facilities and Government-Owned-Contractor-Operated facilities conduct their activities in an environmentally sound manner and comply with all applicable laws, regulations, permits and executive orders.

In FY 2002, program management will provide direction to, set goals and priorities for, and evaluate and review the national enforcement program. Enforcement staff will develop guidance and policy for technical evaluations, investigations, and case development strategies which may include the use of injunctive relief, supplemental environmental projects and other civil penalties as appropriate. Further, enforcement staff will participate in the development of, or revision to, regulations and interpretive guidance.

In FY 2001, the civil enforcement program developed new performance measures. In addition to measuring pollutant reductions and improvements in facility management practices, EPA will also measure progress in reducing significant noncompliance recidivism in the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act programs.

Criminal Enforcement. The criminal enforcement program is another important aspect of the Agency's enforcement efforts. The criminal enforcement program brings to bear the Agency's most powerful enforcement tool against the most significant environmental violations. By demonstrating that the regulated community will be held accountable for serious, willful statutory violations in terms of both fines and jail sentences, the program acts to forcefully deter violations of environmental laws and regulations in a way that civil judicial and administrative enforcement rarely can do. EPA's special agents, located nationwide, will conduct criminal investigations, develop information to support grand jury inquiries and decisions, and work with other law enforcement agencies to present a highly visible and effective force in the Agency's enforcement strategy. Cases are referred to the U.S. Attorney's Offices of the Department of Justice for prosecution, with special agents serving as key witnesses in these judicial proceedings. The criminal enforcement program places particular emphasis on cooperation with state and local law enforcement through participation in task forces and enhanced capacity through specialized training and community policing efforts.

EPA's efforts to work more closely and cooperatively with industry are complemented by the criminal enforcement program as the Agency sends a clear message to the regulated community that those who choose to cooperate, in good faith, will reap the benefits of that partnership while those whose noncompliance is distinguished by culpable conduct can expect the serious implication of criminal investigation and prosecution. In FY 2002, EPA estimates that it will conduct 400 criminal investigations targeted to areas that pose risks to human health or the environment, display patterns of noncompliance or include disproportionately exposed populations.

The National Enforcement Investigations Center (NEIC) provides specialized forensic support for the nation's most complex civil and criminal enforcement cases and technical expertise for non-routine Agency compliance efforts. To effectively support these programs, the NEIC must maintain state-of-the-art skills and equipment, capable of dealing with an increasingly sophisticated regulated community. On February 1, 2001, the NEIC received accreditation which makes the NEIC the only accredited forensics environmental center in the world. The NEIC Accreditation Standard has been customized to cover the civil, criminal, and special program work conducted by the NEIC. The Standard addresses infrastructure items such as document control, records management, procurement; facility environment control and security; equipment inventory, maintenance, and calibration; and training, competency evaluation, and proficiency testing.

In FY 2002, the NEIC will continue to develop emerging technologies in analytical techniques. Efforts to stay at the forefront of environmental enforcement will include the refinement of successful multi-media inspection approaches, use of customized lab methods to solve unusual enforcement case problems,

and further development of a computer forensic expertise for use in seizure and recovery of data and in investigative support related to computers and data fraud. The Center's lab, field and information activities will continue to be performed with the scientific integrity necessary to withstand technical scrutiny and cross-examination, developing evidence which meets all legal requirements for successful prosecution of civil and criminal cases.

The NEIC will provide technical support for the initiatives identified as FY 2002 priorities in the civil program. The NEIC will support the Agency's integrated compliance monitoring program which views the regulated community on a multimedia basis within the context of an industrial sector or geographic area. Using screening and targeting methodologies developed at the NEIC, EPA inspectors will direct compliance monitoring at areas with the greatest potential for risk reduction. The NEIC staff will also conduct on-site multimedia and process based inspections, resulting in increased compliance by many of the nation's largest and most complex industries. Through their field work, the NEIC also evaluates the effectiveness of EPA regulations and recommends improvements as applicable.

Data System Modernization

Reliable, comprehensive and up-to-date data systems are key to EPA's ability to effectively target compliance monitoring at the highest priority facilities and areas and to measure the effectiveness of its enforcement activities. The Agency will continue to maintain and support the fourteen information systems that house national enforcement and compliance data with less than 5% down-time. Moreover, EPA will continue its effort to improve the quality of compliance and enforcement data by developing Quality Management Plans for three of its data systems in FY 2002.

In FY 2002, the Agency will continue its efforts in the phased implementation of the Integrated Compliance Information System (ICIS). ICIS will be a consolidated enforcement and compliance information management system that will provide a single definitive source of information for the national enforcement and compliance assurance program. ICIS will consolidate and streamline enforcement and compliance information that is currently contained in fourteen existing systems. This new system will reduce burden and duplication by providing a single source for data entry, will improve public access to data, support the development of risk reduction strategies, and will provide states and Regions with a modernized system to meet their program management and accountability responsibilities. The Agency's modernization of the Permit Compliance System, which serves the permitting and enforcement program needs of the National Pollutant Discharge Elimination System, will be conducted concurrently with the phased implementation of ICIS in FY 2002. In FY 2001, EPA intends to complete the ICIS development phase and begin system testing for information overlapping, as well as complete the detailed design for the Permit Compliance System modernization.

State, Tribal, and International Capacity Building

A strong state and tribal enforcement and compliance assurance presence contributes to EPA's long-term strategic plan objective to identify and reduce significant noncompliance in high priority areas while maintaining a strong enforcement presence in all regulatory program areas. Most of the Nation's environmental laws envision a strong role for state governments in implementing and managing environmental programs. In FY 2002, the enforcement and compliance assurance program will increase support to state agencies implementing authorized, delegated, or approved environmental programs through a new grant program. Consistent with regulations and Agency policy, EPA will provide an appropriate level of oversight and guidance to states to ensure that environmental regulations are fairly and consistently enforced across the Nation.

EPA works with Indian tribes on a government-to-government basis to identify enforcement, compliance assistance, and capacity building issues affecting tribal lands. The Agency's goal is to help tribes develop their own enforcement and compliance assistance programs so that they can assume greater management of environmental programs in Indian Country. In FY 2002, the enforcement and compliance assurance program will continue to implement the Indian Program Strategy which will direct federal enforcement, tribal enforcement, and compliance capacity-building efforts. By monitoring and evaluating progress made, EPA will ensure that the plan's commitments are met in a timely fashion. These efforts will help implement the Agency-wide Indian Policy of working with tribal governments as full partners to enhance protection of the public health and the environment on tribal lands.

The state and tribal grant programs are designed to build environmental partnerships with states and tribes and to strengthen their ability to address environmental and public health threats. These threats include contaminated drinking water, pesticides in food, hazardous waste, toxic substances and air pollution. In FY 2002, the enforcement and compliance assurance program will award state and tribal enforcement grants to assist in the implementation of a new grant program and continued implementation of the enforcement provisions of the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These grants support state and tribal compliance activities to protect the environment from harmful chemicals and pesticides. The enforcement component of RCRA state grants is also included in this objective.

- The Agency will redirect \$25,000,000 to assist states and tribes in enforcing the environmental laws delegated to their states. These funds will allow them to take greater responsibility for enforcement of environmental laws and regulations.
- Under the Pesticides Enforcement Grant program, EPA provides resources states and Indian tribes to conduct FIFRA compliance inspections and take appropriate enforcement actions, and implement programs for farm worker protection. The FY 2002 program will continue to address the increased workload placed on the states as a result of the Food Quality Protection Act. The food safety program is almost entirely a state run program. States will use these resources to increase their inspections of pesticides newly regulated by the legislation.

- States receive toxic substances grant funding for compliance inspections of asbestos and PCBs and for implementation of the state lead enforcement program. The funds will complement other Federal program grants for building state capacity for lead abatement.
- EPA will also provide the States grant funding to inspect federal, state, and local RCRA facilities that store, treat, or dispose of hazardous waste. Inspections will emphasize compliance with facility-specific requirements or interim status requirements. RCRA enforcement orders and supplemental environmental projects will incorporate waste minimization provisions where appropriate.

The Agency also provides single media enforcement grants to the states which are located under other environmental goals supporting air and water programs.

Meeting its objective of achieving the benefits of environmental requirements through an enforcement presence requires EPA to effectively implement international commitments for enforcement and compliance cooperation with other countries, especially those along the U.S. border. Through such arrangements, EPA works to reduce environmental risks to U.S. citizens from external sources of pollution, as well as to prevent or reduce the impact of pollution origination in the United States.

Enforcement Training

Training is an important aspect of state, local and tribal capacity building. The National Enforcement Training Institute (NETI) is mandated by the Pollution Prosecution Act to provide environmental enforcement training nationally. In FY 2002, NETI will oversee the design of core and specialized enforcement courses and their delivery to lawyers, inspectors, civil and criminal investigators and technical experts. Also, NETI will deliver 200 training classes and seminars. In seeking to provide timely, targeted technical training courses to as wide an audience as possible, NETI will expand access to its program by building a training center on the Internet. "NETI Online" will offer training to Federal, State, local and tribal enforcement professionals. The website will provide the structure for developing and tracking individual training plans, as well as managing NETI's training delivery processes. In addition, the Agency provides specialized training in criminal environmental law enforcement at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. FLETC is operated by the Department of the Treasury and was established to train law enforcement personnel who carry firearms. The Agency has entered into an agreement with Treasury to arrange training in environmental criminal investigations for state, local and tribal law enforcement professionals as well as EPA criminal enforcement staff. FLETC provides one of the few opportunities for state, local and tribal enforcement professionals to obtain criminal investigations training. The Agency has initiated a new program known as Environmental Community Oriented Policing (ECOPS) to strengthen state and local environmental community policing efforts through criminal and other types of enhanced training.

FY 2002 Change from FY 2001 Enacted

EPM

- (-\$17,778,200, -169.8 FTE) Reduction due to the redirection of resources to the new enforcement grant program. These resources have been redirected to the State and Tribal Assistance Grant appropriation to support the Agency's efforts to redirect enforcement responsibilities to the states.
- (-\$2,769,800, -29.4 FTE) The program reduced workyears and associated payroll from compliance monitoring, civil enforcement, and NEPPS/state and local partnerships in an effort to support the EPA's policy redirecting enforcement responsibilities to the states.
- (+\$11,851,300) This increase reflects an increase in workforce costs.

S&T

- (-\$131,800, -1.4 FTE) Reduction due to the Agency's streamlining and efficiency efforts which
- (+\$323,900) This increase reflects an increase in workforce costs.

STAG

- (+\$25,000,000) Increase for new enforcement grant program. These resources will support the Agency's efforts to redirect enforcement responsibilities to the states.

Superfund (-\$1,104,000, -4.2 FTE)

- (-\$615,400, -4.0 FTE) Reduction due to the redirection of resources to the new enforcement grant program. These resources have been shifted to the State and Tribal Assistance Grant appropriation to support the Agency's efforts to redirect enforcement responsibilities to the states.

Annual Performance Goals and Performance Measures

Non-Compliance Reduction

In 2002	EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.
In 2001	EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

In 2000 Deterred and reduced noncompliance and achieved environmental and human health improvement. 74.9% of concluded enforcement actions required environmental or human health improvement, such as pollution reduction.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Percent of actions which require pollutant reductions		13.6			percent
Estimated pounds of pollutants reduced (aggregate)		714			M pounds
Establish statistically valid noncompliance rates or other indicators of noncompliance for selected environmental problems.		5			indicators
Establish baseline to measure percentage of significant violators with reoccurring significant violations within 2 years of returning to compliance.		1			baseline
Establish baseline to measure average length of time for significant violators to return to compliance or enter enforceable plans/ agreements		1			baseline
Produce report on the number of civil and criminal enforcement actions initiated and concluded.		1			Report
75% of concluded enforcement actions require pollutant reductions and/or changes in facility management or information practices. (core optional)			75	75	Percent
Million pounds of pollutants reduced (core optional)			350	300	M Pounds
Increase or maintain existing compliance rates or other indicators of compliance for populations with established baselines, or develop additional rates for newly selected populations (core optional)			5	5	Populations
Reduce by 2 percentage points overall the level of significant noncompliance recidivism among CAA, CWA, and RCRA programs from FY 2000 levels			2	2	PercentagePoint
Increase by 2 percent over FY 2000 levels the proportion of significant non-complier					

facilities under CAA, CWA, and RCRA which returned to compliance in less than two years. (core required)	2	2	PercentagePoint
Produce a report on the number of civil and criminal enforcement actions initiated and concluded (core required)	1	1	Report
Increase by 2% the concluded enforcement actions having intended result of pollution reductions thru process changes/handling of pollution or result in improvements in facility & information management practices from FY00.	2		Percent

Baseline: Protecting the public and the environment from risks posed by violations of environmental requirements is basic to EPA's mission. To develop a more complete picture of the results of the enforcement and compliance program, EPA has initiated a number of performance measures designed to capture the results of lowering the timeline for significant non-compliers to return to compliance, reducing noncompliance recidivism rates, and improvements in facility process and/or management practices through behavioral changes. The baseline rates for these measures were established in FY00 and the FY02 goal is to improve upon these rates. These new measures will complement the traditional enforcement measures of inspections and enforcement actions to provide a more complete picture of environmental results from the enforcement and compliance program.

Inspections/Investigations

- In 2002 EPA will conduct 15,000 inspections, 400 criminal investigations, and 200 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.
- In 2001 EPA will conduct 17,000 inspections, 450 criminal investigations, and 250 civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance, or include disproportionately exposed populations.
- In 2000 Conducted 20,123 inspections, 477 criminal investigations, and 660 civil investigations, 15% of which were targeted at priority areas.
- In 1999 We exceeded our goal to deter noncompliance by maintaining levels of field presence and enforcement actions, particularly in high risk areas and/or where populations are disproportionately exposed. In 1999, EPA conducted 21,410 (15,000 target) inspections and undertook 3,935 (2,600 target) enforcement actions.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Number of EPA inspections		20,123			inspections
Percent of inspections and investigation (civil and criminal) conducted at priority areas		15			percent

Number of EPA inspections conducted (core required)		17,000	15,000	Inspections
EPA Inspections	21,410			Inspections
Number of Criminal Investigations	477	450	400	Investigations
Develop a list of high priority facilities in Indian country for the enforcement and compliance program.		1		list
Number of Civil Investigations	660	250	200	Investigations
Percent of mutually agreed-upon high priority facilities in Indian country will have been the object of minimum core compliance monitoring program.			5	Percent

Baseline: The compliance monitoring program works with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. The number of inspections projected varies each year by the complexity of facilities targeted. In FY02, EPA will maintain its enforcement presence by conducting at least 15,000 inspections, 400 criminal investigations and 200 civil investigations. Due to the redirection of resources to the enforcement grant program, these levels have been reduced from the FY01 targets.

Quality Assurance

- In 2002 Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- In 2001 Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.
- In 2000 Maintained and improved quality and accuracy of enforcement and compliance assurance data. Completed the concept and requirement phase of new Integrated Compliance Information System. Continued concept phase of Permit Compliance System modernization and began the design phase.
- In 1999 We met our goal by targeting 7 (of 5 targeted) high priority areas through the MOA process for enforcement and compliance assistance and completing 2 (of 2 targeted) baseline data assessment in major databases, AFS and DOCKET, needed to measure quality of key indicators of compliance.

Performance Measures:	FY 1999	FY 2000	FY 2001	FY 2002
	Actuals	Actuals	Estimate	Request

Data system improvement to capture changes to 98 base 2

Complete concept and begin design phase of

General Enforcement Mgt system (GEMS)	30-Sep-2000		date
continue concept phase and begin design phase of PCS modernization	30-Sep-2000		date
Complete Phase I of Integrated Compliance Information System (ICIS) development (programming) and begin Phase II.	1		Phase
Complete Quality Management Plan (QMP) project for additional data systems	3	3	Data Systems
Complete detailed design (development of screens, prototypes) including a pilot NPDES permitting desk model for Permit Compliance System (PCS) system modernization.	1		Data System
Continue operation and maintenance/user support of 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency	95	95	Percent
Conduct four data analyses of environmental problems in Indian Country using the American Indian Lands Environ. Support Project (AILESP) and the baseline assessment survey.	4		data analyses
Begin development and system testing for modernized Permit Compliance System (PCS) system.		1	Data System
Conduct 4 analyses of environmental problems in Indian Country using EPA's baseline assessment survey.		4	Data Systems
Field test ICIS Phase I, retire DOCKET system and complete design and development of ICIS Phase II.		1	Phase

Baseline: EPA's ability to effectively target and measure effectiveness of its enforcement activities depends upon reliable and up-to-date data systems. In FY02, EPA's 14 data systems will continue to operate at 95% or better operational efficiency. In conjunction with the operation and maintenance of existing systems, EPA will continue its system modernizing efforts and improve data integration and consistency. Beginning in FY01, the Agency will conduct Quality Management Plans for three data systems and continue this target of three additional data systems in FY02.

Capacity Building

- In 2002 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.
- In 2001 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.
- In 2000 Improved capacity of states, localities and tribes to conduct enforcement and compliance assurance programs. Conducted 713 EPA-assisted inspections and delivered 154 training classes/seminars to states/localities and tribes.
- In 1999 We exceeded (by 135) our goal of providing specialized assistance and training courses to state and tribal officials to enhance the effectiveness of their programs.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Specialized assistance & training	218				Courses
Number of EPA-assisted inspections to build capacity		713			inspections
Number of EPA training classes/ seminars delivered to states, localities and tribes to build capacity		154	220	200	classes
Conduct EPA-assisted inspections to build capacity			150	150	Inspections
The National Enforcement Training Institute will train Tribal personnel.			105		personnel
The National Enforcement Training Institute will provide tribal governments with 50 computer-based training (CBT)modules.			50	50	Training module
Total number of state and local students trained			4900	4900	Students
The National Enforcement Training Institute will train Tribal personnel.				95	Personnel
Baseline:	Training is an important aspect of state, local and tribal capacity building. The National Enforcement Training Institute (NETI) is mandated in the Pollution Prosecution Act to provide enforcement training nationally. In FY02, NETI will provided 200 training classes/seminars as well as expand access to its training by building a training center on the Internet. EPA will conduct 150 assisted inspections to build capacity.				

International Enforcement

- In 2002 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.
- In 2001 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.
- In 2000 Ensured compliance with legal requirements for hazardous waste exports and gained enforcement and compliance cooperation with other countries, especially along U.S. borders (Mexico/Canada).
- In 1999 We missed our target by properly handling 1,539 of the targeted 1,600 import notifications due to a decline in hazardous waste imports and increased capacity in Europe to handle waste. In addition, we changed our goal and measure in FY 2000 to more accurately reflect program achievements.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Import / Export Notifications	1539				Notifications
Ensure compliance with legal requirements by assuring that hazardous waste exports from the U.S. are properly handled.		1584			notices
Review and respond to 100% of the notices for transboundary movement of hazardous wastes, ensuring their proper management in accordance with international agreements			100	100	Percent
Ensure proper handling of 200,000 tons of hazardous waste exports	n/a				tons
<p>Baseline: In FY02, EPA will review and respond to 100 percent of the notices for transboundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with international agreements and the Resource Conservation and Recovery Act regulations.</p>					

Coordination with Other Agencies

The Enforcement and Compliance Assurance program coordinates closely with the Department of Justice (DOJ) on all enforcement matters. In addition, the program coordinates with other agencies on specific environmental issues as described below.

The RCRA Enforcement and Compliance Monitoring program coordinates with the National Accident Investigation Board, Occupational Safety and Health Administration, and Agency for Toxic Substances and Disease Registry in preventing and responding to accidental releases and endangerment

situations; and with the Bureau of Indian Affairs on tribal issues relative to compliance and enforcement of underground storage tank and RCRA Subtitle C requirements.

The Water Enforcement and Compliance Monitoring program coordinates with the U.S. Army Corps of Engineers on wetlands. Moreover, due to changes in the Food Security Act, the U.S. Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) has a major role in the determination of whether areas on agricultural lands meet the definition of wetlands and are therefore regulated under the Clean Water Act. Civil Enforcement coordinates with USDA/NRCS on these issues also. Finally, the program coordinates closely with the Department of Agriculture on the implementation of the Unified National Strategy for Animal Feedlot Operations.

The Toxics and Pesticides Enforcement and Compliance Monitoring program coordinates with USDA on food safety issues arising from the misuse of pesticides, and shares joint jurisdiction with Federal Trade Commission (FTC) on pesticide labeling and advertising. EPA and the Food and Drug Administration (FDA) share jurisdiction over general purpose disinfectants used on non-critical surfaces and some dental and medical equipment surfaces (e.g., wheelchairs). Finally, the Agency has entered into a Memorandum of Understanding with the Department of Housing and Urban Development concerning lead poisoning.

The Criminal Enforcement program coordinates with other federal law enforcement agencies (i.e. FBI, Customs, Treasury, U.S. Coast Guard, DOJ) and with state and local law enforcement organizations in the investigation and prosecution of environmental crimes. EPA is also actively working with DOJ to establish task forces which bring together federal, state and local law enforcement organizations to address environmental crimes. In addition, the National Enforcement Training Institute has an Interagency Agreement with the Department of Treasury to provide specialized criminal environmental training to federal, state, local, and tribal law enforcement personnel at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. NETI also coordinates with four state associations who provide training for state and local officials.

Under Executive Order 12088, EPA is directed to provide technical assistance to other Federal agencies to help ensure their compliance with all environmental laws. The Federal Facility Enforcement Program coordinates with other Federal agencies, states, and local and tribal governments to ensure compliance by federal agencies with all environmental laws.

The Civil Enforcement and Compliance Monitoring programs work closely with the states and tribes. States perform the vast majority of inspections and enforcement actions. Most EPA statutes envision a partnership between EPA and the states under which EPA develops national standards and policies and the states implement the program under authority delegated by EPA. If a state elects not to take delegation of a program, EPA has a mandatory duty to implement that program in the state. Historically, the level of delegation has increased as programs mature and state capacity has expanded, and

many of the key environmental programs are approaching full delegation. EPA will increase its effort to coordinate with states on training and capacity building and on enforcement.

EPA works directly with Canada and Mexico bilaterally and in the trilateral Commission for Environmental Cooperation (CEC). EPA's border activities require close coordination with the U.S. Customs Service, the Fish and Wildlife Service, the Department of Justice, and the States of Arizona, California, New Mexico, and Texas.

Verification and Validation of Performance Measures

Performance Measure: 75% of concluded enforcement actions identify pollutant reductions and/or changes in facility management or information practices.

Performance Database: Docket - tracks EPA civil, judicial and enforcement actions.

Data Source: The data for Docket is generated through the use of the Case Conclusion Data Sheet (CCDS), which is prepared by Agency staff after the conclusion of each criminal and civil (judicial and administrative) enforcement action. The CCDS was implemented by EPA in 1996 and captures the relevant information on the results and environmental benefits of the concluded enforcement cases. The information generated through the CCDS is used to track progress for several of the performance measures. The CCDS form consists of 27 specific questions which, when completed, describe specifics of the case; the facility(s); information on how the case was concluded; the compliance actions required to be taken by the defendant(s); the costs involved; information on any Supplemental Environmental Project to be undertaken as part of the settlement; the amounts and types of any penalties assessed; and any costs recovered through the action, if applicable. The CCDS requires that the staff identify if the facility/defendant, through injunctive relief, must: (1) reduce pollutants; and (2) improve management practices to curtail, eliminate or better monitor and handle pollutants in the future. For actions which result in pollution reductions, the staff estimate the amounts of pollution reduced over the lifetime of the enforcement action. There are established procedures for the staff to calculate, by statute, e.g. Clean Water Act, the pollutant reductions or eliminations. The procedure first entails the staff determining the difference between the current "out of compliance" concentration of the pollutant(s) and the post enforcement action "in compliance" concentration. This difference is then converted to mass per time using the flow or quantity information derived during the case.

QA/QC Procedures: Procedures are in place for both the CCDS and for Docket entry. There are separate CCDS Calculation and Completion Checklists required to be filled out at the time the CCDS is completed.

Data Quality Review: Information contained in the CCDS and Docket are reviewed by Regional and Headquarters staff for completeness and accuracy.

Data Limitations: EPA has evaluated CCDS and noted several areas affecting data quality and has taken steps to address them. The problem areas included: a lack of consistency in the time frames used in reporting pollutant reductions from a case, and missing and misreported pollutant reduction data. One of the principal reasons for the problems identified was a lack of adequate guidance to staff on the preparation of the CCDS. The pollutant reductions or eliminations reported through the CCDS are estimates of what will be achieved if the defendant carries out the requirements of the settlement.

New & Improved Data or Systems: In November 2000, EPA completed a comprehensive guidance package on the preparation of the Case Conclusion Data Sheet. This guidance, issued to Headquarters and Regional managers and staff, was made available in print and in CD-ROM. Both versions contain work examples to ensure better calculation of the amounts of pollutants reduced or eliminated through concluded enforcement actions. EPA is also planning to host CCDS training in each of its ten regional offices during FY 2002.

Performance Measure: Million pounds of pollutants reduced

Performance Database: Docket - tracks EPA civil, judicial and enforcement actions.

Data Source: The data for Docket is generated through the use of the Case Conclusion Data Sheet (CCDS), which is prepared by Agency staff after the conclusion of each criminal and civil (judicial and administrative) enforcement action. The CCDS was implemented by EPA in 1996 and captures the relevant information on the results and environmental benefits of the concluded enforcement cases. The information generated through the CCDS is used to track progress for several of the performance measures. The CCDS form consists of 27 specific questions which, when completed, describe specifics of the case; the facility(s); information on how the case was concluded; the compliance actions required to be taken by the defendant(s); the costs involved; information on any Supplemental Environmental Project to be undertaken as part of the settlement; the amounts and types of any penalties assessed; and any costs recovered through the action, if applicable. The CCDS requires that the staff identify if the facility/defendant, through injunctive relief, must: (1) reduce pollutants; and (2) improve management practices to curtail, eliminate or better monitor and handle pollutants in the future. For actions which result in pollution reductions, the staff estimate the amounts of pollution reduced over the lifetime of the enforcement action. There are established procedures for the staff to calculate, by statute, e.g. Clean Water Act, the pollutant reductions or eliminations. The procedure first entails the staff determining the difference between the current “out of compliance” concentration of the pollutant(s) and the post enforcement action “in compliance” concentration. This difference is then converted to mass per time using the flow or quantity information derived during the case.

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Performance Measure: **Increase or maintain existing compliance rates or other indicators of compliance for populations with established baselines, or develop additional rates for newly selected populations.**

Performance Databases: PCS (Permit Compliance System) tracks National Pollutant Discharge Elimination System (NPDES) permit and enforcement actions, reporting and scheduling requirements. AFS (Air Facility Sources System) captures emission, compliance and permit data for major stationary sources of air pollution. RCRAInfo (Resource Conservation and Recovery Act Information System) supports permit, compliance and corrective action activities carried out by the hazardous waste handlers.

Data Source: EPA regional offices, delegated states

QA/QC Procedures: All of the systems have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on the universe of regulated facilities because not all are inspected/permited. Further complicating the issue, significant violator definitions changed for the RCRA program in 1996 and for the Air program in FY99. These differences within programs make long term data comparison impractical.

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project is currently underway to develop statistically-valid compliance rates for selected universes of regulated facilities. Also, a National Performance Measure Strategy project on the impact of EPA strategies on recidivism focuses attention on better compliance assurance targeting i.e. monitoring, compliance assistance, incentives and enforcement.

Performance Measure: Reduce by 2 percentage points overall the level of significant noncompliance recidivism among the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act programs from FY 2000 levels.

Performance Databases: PCS (Permit Compliance System) tracks National Pollutant Discharge Effluent System permit and enforcement actions, reporting and scheduling requirements. AFS (Air Facility Sources System) captures emission, compliance and permit data for major stationary sources of air pollution. RCRAInfo (Resource Conservation and Recovery Information System) supports permit, compliance and corrective action activities carried out by hazardous waste handlers.

Data Source: EPA regional offices, and delegated states.

QA/QC Procedures: All the systems have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on the universe of

regulated facilities because not all are inspected/permited. Further complicating the issue, significant violator definitions changed for the RCRA program in 1996 and for the Air program in FY99. These differences within programs make long term data comparison impractical.

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project is currently underway to develop statistically-valid compliance rates for selected universes of regulated facilities. Also, a National Performance Measure Strategy project on the impact of EPA strategies on recidivism focuses attention on better compliance assurance targeting i.e. monitoring, compliance assistance, incentives and enforcement.

Performance Measure: Increase by 2 percentage points over FY 2000 levels the proportion of significant noncomplier facilities under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act which returned to full physical compliance in less than two years

Performance Databases: PCS (Permit Compliance System) tracks National Pollutant Discharge Effluent System permit and enforcement actions, reporting and scheduling requirements. AFS (Air Facility Sources System) captures emission, compliance and permit data for major stationary sources of air pollution. RCRIS (Resource Conservation and Recovery System) supports permit, compliance and corrective action activities carried out by hazardous waste handlers.

Data Source: EPA regional offices, and delegated states

QA/QC Procedures: All the systems have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on the universe of regulated facilities because not all are inspected/permited. Further complicating the issue, significant violator definitions changed for the RCRA program in 1996 and for the Air program in FY99. These differences within programs make long term data comparison impractical

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project is currently underway to develop statistically-valid compliance rates for selected universes of regulated facilities. Also a National Performance Measure Strategy project on the impact of EPA strategies on recidivism focuses attention on better compliance assurance targeting i.e. monitoring, compliance assistance, incentives and enforcement.

Performance Measure: Produce a report on the number of civil and criminal enforcement actions initiated and concluded.

Performance Database: Output measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Number of EPA inspections conducted.

Performance Databases: IDEA (Integrated Data for Enforcement Analysis) integrates data from major enforcement and compliance systems, such as the Permit Compliance System (PCS), Air Facilities System (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification System (ERNS).

Data Source: EPA Regional offices.

QA/QC Procedures: All the systems have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As

a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on the universe of regulated facilities because not all are inspected/permited. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project is underway on developing statistically-valid compliance rates.

Performance Measure: Number of criminal investigations

Performance Databases: IDEA (Integrated Data for Enforcement Analysis) integrates data from major enforcement and compliance systems such as, the Permit Compliance System (PCS), Air Facilities System (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification System (ERNS).

Data Source: EPA Regional offices.

QA/QC Procedures: All the systems have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on the universe of regulated facilities because not all are inspected/permited. In addition, the target is based on a preliminary

estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project is underway on developing statistically-valid compliance rates.

Performance Measure: Number of civil investigations

Performance Databases: IDEA (Integrated Data for Enforcement Analysis) integrates data from major enforcement and compliance systems such as, the Permit Compliance System (PCS), Air Facilities System (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification System (ERNS).

Data Source: EPA Regional offices.

QA/QC Procedures: All the systems have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on the universe of regulated facilities because not all are inspected/permitted. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program

needs and consolidate and streamline existing systems. A pilot project is underway on developing statistically-valid compliance rates.

Performance Measure : Complete Quality Management Plan (QMP) project for additional data systems.

Performance Database: Output measure; internal tracking of measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure : Field test Integrated Compliance Information System (ICIS) Phase I, retire Docket system and complete design and development of ICIS phase II.

Performance Database: Output measure. No database.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Continue operation and maintenance/user support of 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency.

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Begin the development and system testing of a modernized Permits Compliance System (PCS)

Performance Database: No database; internal tracking of measure.

Data Source: None

QA/QC Procedures: Contained within the project design

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Conduct EPA-assisted inspections to build capacity.

Performance Database: Output measure; internal Regional tracking system.

Data Source: Internal Regional tracking system.

QA/QC Procedures: Regional and HQ managers check information to confirm accuracy.

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)

Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)

Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)

Safe Drinking Water Act sections 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)

Clean Air Act sections 113, 114, and 303 (42 U.S.C. 7413, 7414, 7603)

Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)

Emergency Planning and Community Right-to-Know Act sections 325 and 326 (42 U.S.C. 11045, 11046)

Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)

Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)

North American Agreement on Environmental Cooperation

1983 La Paz Agreement on US/Mexico Border Region

National Environmental Policy Act (NEPA) section 102(f)

Pollution Prosecution Act of 1990 (42 U.S.C. section 4321 note)

Environmental Protection Agency

FY 2002 Annual Performance Plan and Congressional Justification

A Credible Deterrent to Pollution and Greater Compliance with the Law

Objective #2: Promote Compliance Through Incentives and Assistance

EPA and its state, tribal, and local partners will promote the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs.

Resource Summary
(Dollars in thousands)

	FY 1999 Enacted	FY 2000 Actual	FY 2001 Enacted	FY 2002 Request
Promote Compliance Through Incentives and Assistance.	\$42,870.5	\$50,092.4	\$52,528.9	\$54,563.2
Environmental Program & Management	\$40,378.0	\$48,039.8	\$49,925.2	\$52,077.9
State and Tribal Assistance Grants	\$2,214.2	\$1,491.3	\$2,209.3	\$2,209.3
Hazardous Substance Superfund	\$278.3	\$561.3	\$394.4	\$276.0
Total Workyears	443.7	438.5	423.3	420.0

Key Programs
(Dollars in thousands)

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Enacted	FY 2002 Request
Project XL	\$2,514.7	\$2,635.4	\$0.0	\$0.0
Common Sense Initiative	\$853.8	\$448.6	\$0.0	\$0.0
Compliance Assistance and Centers	\$18,426.5	\$22,549.7	\$24,579.9	\$26,047.9

	FY 1999 Enacted	FY 2000 Enacted	FY 2001 Enacted	FY 2002 Request
Compliance Incentives	\$5,342.7	\$5,195.7	\$10,433.5	\$10,175.8
NEPA Implementation	\$9,269.5	\$9,901.4	\$11,081.4	\$11,670.9
State Toxics Enforcement Grants	\$2,214.6	\$2,214.2	\$2,209.3	\$2,209.3
Public Access	\$0.0	\$0.0	\$179.3	\$0.0
Rent, Utilities and Security	\$0.0	\$3,596.3	\$3,326.7	\$3,679.6
Administrative Services	\$248.0	\$743.6	\$677.2	\$688.8
Regional Management	\$0.0	\$235.8	\$406.5	\$321.7

FY 2002 Request

The enforcement and compliance assurance program uses voluntary compliance incentives and assistance tools to increase compliance with regulatory requirements and reduce adverse public health and environmental problems. By providing compliance incentives to the regulated community, the Agency motivates and enhances the capacity of the regulated community to fully comply with the law and to voluntarily and promptly disclose violations before they come to the attention of the government.

The Agency also provides compliance assistance to the regulated community. By providing clear and consistent descriptions of regulatory requirements, EPA assures that the community understands its obligations. Compliance assistance can also help regulated industries find cost-effective ways to comply with environmental requirements through the use of pollution prevention and innovative technologies.

In FY 2002 the Agency will continue to carry out its responsibilities under National Environmental Policy Act (NEPA), which requires that Federal agencies consider the environmental consequences of their activities. EPA prepares NEPA environmental reviews for its proposed actions, and under §309 of the Clean Air Act and NEPA, EPA reviews major actions taken by other federal agencies to ensure that adverse environmental effects are identified and either eliminated or mitigated.

Compliance Incentives

The program will continue to implement EPA's Audit/Self-Policing Policy as a core element of the enforcement and compliance assurance program. EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations, and to provide a

uniform enforcement response toward disclosures of violations. Under the Audit Policy, violations are discovered through voluntary environmental audits or a compliance management system, and are promptly disclosed and expeditiously corrected. EPA will not seek gravity-based penalties (such as punitive aspect of penalties, or jail time a polluter could receive for not complying with the environmental laws), and will generally not recommend prosecution against the regulated entity, for disclosures that meet Audit Policy requirements. EPA will reduce gravity-based penalties by 75% for violations that are voluntarily discovered, and are promptly disclosed and corrected, even if not found through a formal audit or compliance management system. The Policy also restates EPA's long-held policy and practice to refrain from using corporate prepared environmental audit reports as a basis for enforcement actions.

As of March 1, 2001 approximately 1,150 companies have disclosed potential violations at 5,400 facilities. EPA is currently working on many efforts to encourage corporate self-disclosures, including efforts in the telecommunications, petroleum, and iron and steel industries. The Agency will continue to expand use of the Audit Policy through aggressive outreach to particular industries. EPA is particularly interested in encouraging disclosures at multiple facilities owned by the same regulated entity because such disclosures allow regulated entities to review their operations holistically, benefit the environment, and effectively leverage resources of the Agency.

The EPA Policy on Compliance Incentives for Small Business is intended to promote environmental compliance among small businesses by providing them with special incentives to participate in compliance assistance programs or to conduct environmental audits and then promptly correct violations. EPA has been working with stakeholders to modify the policy to encourage greater participation. As part of its 2002 marketing and outreach activities for this approach, EPA will work with small business compliance assistance providers to develop tools useful to small businesses in understanding applicable environmental requirements and conducting compliance audits.

In FY 2002 the Compliance Incentives program will continue to evaluate the effectiveness of environmental management systems (EMS) for improving compliance and environmental performance. The results of this evaluation will provide the program with a better understanding of the effectiveness of EMS in relation to compliance. The program will begin to promote the use of EMS to address known compliance and performance problems. To this end, EPA will develop assistance tools, such as training or "best practices" manuals.

The enforcement and compliance assurance program will also continue to work on implementing the first tier of the two-tiered National Environmental Performance Track program. The program is designed to recognize facilities that have consistently met their legal requirements, implemented environmental management systems (EMS), and made tangible environmental performance improvements. Entry criteria include showing established implementation of an EMS, presenting a record of continued compliance and certifying to current compliance, demonstrating specific environmental achievements and committing to future improvements, and committing to public outreach and annual performance reporting (including summaries of compliance audit findings). Incentives for participation include Agency recognition,

lowered priority for routine inspection targeting, access to Audit Policy penalty mitigation and recognition of good faith participation in the program in any discretionary penalty assessment, as well as programmatic benefits still under development. The enforcement and compliance program will also continue to participate in the development of the program's second tier, the Stewardship Track, which will be designed to recognize broader and higher levels of environmental performance.

EPA's printing sector project (Print STEP) encourages the incorporation of pollution prevention practices into everyday work processes; improves access to data for all interested parties; reduces transaction costs associated with the printing process; increases regulatory flexibility; and promotes meaningful community involvement. The protect team designed an alternative permit system that is expected to result in reduced emissions, greater operational flexibility, enhanced public participation and lower transaction costs. Pilots of the approach were initiated in three states during 2000 and are expected to continue during 2002.

The enforcement and compliance assurance program will also continue to participate in Project XL (eXcellence in Leadership) projects, projects under the EPA/state regulatory innovation agreement, and other reinvention partnerships. The enforcement program will focus on ensuring these projects are legally enforceable where necessary, and provide accountability and transparency for participants (including Federal and non-Federal facilities). The program will also assist in verifying and evaluating project results.

Compliance Assistance

The program provides information and technical assistance to the regulated community to increase its understanding of all statutory and regulatory environmental requirements, thereby reducing risk to human health and the environment and gaining measurable improvements in compliance. To support improving compliance in specific industrial and commercial sectors or with certain regulatory requirements, the program will continue to develop strategies and compliance assistance tools and provide these to the regulated community. Compliance tools developed range from plain-language guides to comprehensive sector-based documents (such as the Sector Notebooks that include information on industry-specific manufacturing processes and pollution issues) to statute-based environmental audit protocol manuals to fact sheets, checklists and newsletters.

Moreover, in FY 2002, the program will continue with activities that reduce EPA's role in direct delivery of compliance assistance, except as part of targeted initiatives for particular sectors, and emphasize EPA's role as a "wholesaler" of information by distributing and marketing tools through a network of compliance and technical assistance providers that work more directly with the regulated community. These activities include (1) convening a compliance assistance exchange forum, composed of public and private sector representatives, to share information on recently-promulgated regulations and new compliance assistance materials and (2) maintaining a clearinghouse of compliance assistance materials available from federal, state and local governments and from trade associations. EPA intends that all new compliance assistance materials will be added to the Clearinghouse within 30 days of receipt. Through

public outreach and communication efforts, including press releases and newsletters, EPA will publicize all major compliance assistance efforts.

The Sector Facility Indexing Project (SFIP) will be continued in FY 2002. SFIP allows the public to monitor the records of nearby facilities, provides the regulated community with a means of comparing performance against competitors, and assists government agencies in making cross-media comparisons. EPA is committed to increasing use of the SFIP by increasing public awareness of the project, ensuring customer satisfaction with the information provided, and sustaining the utility of the SFIP as a compliance and analytical tool. EPA believes that these efforts will yield an increase in web site user sessions over the FY 2001 levels.

EPA will continue to support the ten Compliance Assistance Centers, a key component of EPA's efforts to help small and medium-sized businesses better understand and comply with Federal environmental requirements. The centers provide small businesses in selected industry sectors one-stop shopping for regulatory and technical assistance, pollution prevention activities, and other information particularly suited to the individual industries. Operated in partnership with industry associations, environmental groups, universities and other government agencies, the centers are accessible through Internet web sites as well as toll-free telephone assistance lines.

The Agency will also provide sector-based materials and services and training sessions to the regulated community to improve industry's regulatory and technical knowledge. EPA will promote adoption of innovative technologies, including waste minimization. In FY 2002, EPA plans to provide compliance assistance to 500,000 entities.

To improve its ability to measure the effectiveness of its various strategies in improving compliance and environmental results, EPA has tested methodologies designed to measure behavioral change resulting from targeted compliance assistance. Focusing on 10 outcome measures projects, EPA's goal is for 50% of the recipients of compliance assistance in these projects to have improved their use or handling of pollutants or improved their facility management practices or information as a result of the assistance received.

Consistent with its Indian Program Strategy, the Agency will assist Tribes in developing their own compliance assistance programs. In FY 2002, EPA will continue its programs to assist Tribes in addressing solid waste management problems.

The program disseminates information to the public and regulated community on important environmental issues, trends, and significant enforcement actions. This assistance (e.g., enforcement alert publications, slide presentations to industry) is designed to help the regulated community anticipate and prevent violations of federal environmental laws that could otherwise lead to enforcement actions.

EPA will also use the broad authority available under Toxic Substances Control Act (TSCA) and other statutes to provide funding to selected support state and tribal multimedia compliance assistance projects in 2002. States and tribes will address compliance problems with specific industries and/or economic sectors and develop compliance measures and increase state compliance and enforcement data quality.

The Federal facility enforcement program will continue to provide technical guidance to other Federal agencies concerning their implementation of executive orders and environmental programs, as well as providing guidance on complying with pollution prevention law requirements and applicable environmental laws at Federal facilities. EPA will maintain and expand the Federal Facility Compliance Assistance Center to deliver compliance assistance to Federal agencies concerning new regulatory requirements. EPA will develop and deliver compliance assistance for new major EPA regulations and Executive Orders in selected program areas. EPA will work with other Federal agencies on implementing the Federal Code of Environmental Management Principles (CEMP) through agency- or bureau-wide environmental management system assessments and environmental management reviews at specific federal facilities. EPA will also support pollution prevention opportunity assessments and similar evaluations at Federal facilities.

National Environmental Policy Act (NEPA) Implementation

The program reviews environmental impacts of proposed major federal actions as required by NEPA, §309 of the Clean Air Act, the Antarctic Science, Tourism, and Conservation Act (ASTCA), and the Executive Order on environmental justice; and develops policy and technical guidance on issues related to NEPA, the Endangered Species Act, the National Historic Preservation Act and relevant Executive Orders. The program emphasizes cooperation with other federal agencies to ensure compliance with applicable environmental laws and better integration of pollution prevention and ecological risk assessment into their programs, while targeting high impact federal program areas, such as water resources and transportation/energy related projects. In FY 2002 the Agency will continue to be significantly involved in implementing the Transportation Equity Act for the 21st Century (TEA-21) through early involvement and intensive review in the NEPA process. In FY 2002, EPA will review all major proposed federal actions under NEPA and achieve successful mitigation for at least 70 percent of the adverse environmental impacts resulting from those actions. The program also manages the Agency's official filing activity for all federal Environmental Impact Statements (EIS) in accordance with a Memorandum of Understanding with the Council on Environmental Quality.

The NEPA Implementation program also guides EPA's own compliance with NEPA and other applicable statutes, and related environmental justice requirements. These efforts include EPA-issued new source National Pollutant Discharge Elimination System (NPDES) permits where a state/tribe has not assumed the NPDES program, for off-shore oil and gas sources, for Clean Water Act (CWA) wastewater treatment plant grants, and for special appropriation grants for wastewater, water supply and solid waste collection facilities. In FY 2002, EPA will review and document 100 percent of the water treatment facility

grants and water discharge permits subject to NEPA to ensure that impact of construction will not adversely affect the environment.

FY 2002 Change from FY 2001 Enacted

EPM

- (+\$901,400, +10.0 FTE) These resources were redirected from other enforcement programs to support the Agency’s regional compliance assistance efforts.
- (-\$866,700, -9.2 FTE) The program reduced workyears and associated payroll from compliance incentives, compliance assistance, and program management.
- (-140,700, -1.5 FTE) Reduction due to the redirection of resources to the new enforcement grant program. These resources have been redirected to the State and Tribal Assistance Grant appropriation to support the Agency’s efforts to redirect enforcement responsibilities to the states.
- (+\$2,483,500) This increase reflects an increase in workforce costs.
- (-\$498,900) Reduction to Congressional earmarks received during the FY 2001 appropriations process which are not included in the FY 2002 President’s Request.

Annual Performance Goals and Performance Measures

Compliance Incentives

- In 2002 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.
- In 2001 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.
- In 2000 Increased entities self-policing and self-correction of environmental problems through use of small business and small community policies.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Number of facilities that self-disclosed potential violations.		2,200			facilities
Complete settlements with 500 facilities to voluntarily self-disclose to the Federal government and correct violations.			500	500	Facilities

Baseline: EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations. The Agency is working to expand the use of the Audit Policy through aggressive outreach to specific sectors - telecommunications, petroleum, and iron and steel. In FY01 the performance measure was modified to reach settlements with 500 facilities to voluntarily self-disclose and correct violations. This same measure has been carried over to FY02.

Environmental Management Systems

In 2002 Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

In 2001 Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Increase EMS use by developing tools, such as training and best practice manuals that encourage improved environmental performance and conduct research and evaluation of EMS's.			3		Tools
Increase EMS use by developing tools, such as training and best practice manuals that encourage improved environmental performance and conduct research and evaluation of EMSs.				3	Tools

Baseline: As a result of the Innovations Task Force recommendations, EPA developed the Environmental Management Systems project which promotes improved environmental performance through the use of assistance tools, such as training and/or best practices manuals to address known compliance and enforcement problems. This was a new activity for EPA in FY01. The FY02 target for this measure has been carried over from FY01 with development of 3 additional tools.

Regulated Communities

In 2002 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to support small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2001 Increase the regulated community's compliance with environmental requirements through their expanded use of compliance assistance. The Agency will continue to operate small business compliance assistance centers and develop compliance assistance tools such as sector notebooks and compliance guides.

In 2000 Increased the regulated community's compliance with environmental requirements through use of compliance assistance; 455,581 facilities were reached and 140 compliance assistance tools were developed.

In 1999 We met our goal of increased use of compliance incentives and the understanding of, and ability to comply with, regulatory requirements by operating 9 small business compliance assistance centers (meeting target), completing 10 sector notebooks, guides, etc, (target 5), and conducted 22 (target 15) Federal facility management reviews.

Performance Measures:	FY 1999 Actuals	FY 2000 Actuals	FY 2001 Estimate	FY 2002 Request	
Compliance Assistance Centers in Operation	9				Centers
Compliance Tools Development	10				Sector Guides
Federal Facility Management Reviews	22				Reviews
Total number of facilities reached through targeted compliance assistance		455,581			facilities
Number of compliance assistance tools developed.		140			tools
50% of recipients of compliance assistance from 10 projects will improve their use or handling of pollutants or improved their facility management processes (core optional)			50		Percent
Number of facilities, states or technical assistance providers or other entities reached through targeted compliance assistance (core optional)			450,000	500,000	Entities
Develop compliance assistance tools listed in the Compliance Assistance Plan.			150	150	Tools
Increase the use of Sector Facilities Indexing Project website user sessions over FY 00 levels			5	5	Percent
Increase compliance assistance center usage.	36				percent
Number of tribally owned/managed facilities reached through the Agency's targeted compliance assistance.			30	30	facilities

Baseline: EPA provides clear and consistent descriptions of regulatory requirements to assure that the community can understand its obligations. EPA supports initiatives targeted toward compliance in specific industrial and commercial sectors or with certain regulatory requirements. Compliance assistance tools range from plain-language guides, fact sheets, checklists and newsletters. In FY02, EPA is planning to reach 500,000 facilities, states, or technical assistance providers through targeted compliance assistance efforts. This represents a steady increase in facilities reached since the FY00 baseline target of 331,500.

Coordination with Other Agencies

The Compliance Assistance program and the U.S. Department of Agriculture (USDA) have created an Agricultural Compliance Assistance Center. The program has in place two Interagency Agreements with USDA to award funds to Land Grant Universities to develop compliance and pollution prevention materials.

The Compliance Incentives and Assistance program works closely with the states as they provide an increasing amount of compliance incentives and assistance. The compliance assistance centers have been coordinating with the states to assist them in their outreach efforts to industry, to facilitate their delivery of sector-specific regulatory information, to serve as the delivery mechanism for their pollution prevention and compliance assistance material, and to build their capacity to meet the environmental needs of the businesses in their states and localities.

The Enforcement program works with states prior to and following enactment of state audit privilege and immunity legislation to identify and express the Agency's policy and legal concerns. EPA has adopted a pragmatic, problem-solving approach to addressing legal adequacy in specific states that have enacted audit privilege and immunity laws. EPA and the state use a process under which they identify any legal impediments to federal program authorization resulting from the state's law. The impediments can then be addressed through tailored statutory amendments, or a state Attorney General opinion interpreting the law consistent with federal requirements, or both. EPA has completed this process in ten states—Arkansas, Indiana, Michigan, Minnesota, Ohio, South Dakota, Texas, Utah, Virginia, and Wyoming, an increase of four states during the past year.

The Enforcement program also works with the Securities and Exchange Commission (SEC) and the Department of Justice (DOJ) on activities to encourage increased disclosure of corporate environmental performance information by public companies. The SEC and DOJ have reviewed EPA research on the level of compliance with SEC environmental disclosure regulations. They also commented on an EPA notice to be distributed in administrative enforcement actions, which informs publicly-traded companies of their duty to disclose environmental legal proceedings pursuant to SEC regulations.

The Agency is required to review the environmental impact statements (EIS) and other major actions impacting the environment and public health proposed by all federal agencies, and makes recommendations to the proposing federal agency on how to remedy/mitigate those impacts. Although EPA is required under § 309 of the Clean Air Act (CAA) to review and comment on proposed federal actions, neither the National Environmental Policy Act nor § 309 CAA require a federal agency to modify its proposal to accommodate EPA's concerns, although EPA has authority under these statutes to refer major disagreements with other federal agencies to the Council on Environmental Quality (CEQ). Accordingly, many of the beneficial environmental changes or mitigation that EPA recommends must be negotiated with the other federal agency. The majority of the actions EPA reviews are proposed by the Forest Service, Department of Transportation (including Federal Highway Administration and Federal

Aviation Administration), Army Corps of Engineers, Department of the Interior (including Bureau of Land Management, Minerals Management Service and National Park Service), Department of Energy (including Federal Regulatory Commission), and Department of Defense.

Statutory Authorities

Resource Conservation and Recovery Act sections 3007, 3008, 3013, and 7003 (42 U.S.C. 6927, 6928, 6934, 6973)

Comprehensive Environmental Response, Compensation, and Liability Act sections 106, 107, 109, and 122 (42 U.S.C. 9606, 9607, 9609, 9622)

Clean Water Act (CWA) sections 308, 309, and 311 (33 U.S.C. 1318, 1319, 1321)

Safe Drinking Water Act section 1413, 1414, 1417, 1422, 1423, 1425, 1431, 1432, 1445 (42 U.S.C. 300g-2, 300g-3, 300g-6, 300h-1, 300h-2, 300h-4, 300i, 300i-1, 300j-4)

Clean Air Act section 113, 114, 303, and 309 (42 U.S.C. 7413, 7414, 7603, 7609)

Toxic Substances Control Act (TSCA) sections 11, 16, and 17 and TSCA Titles II and IV (15 U.S.C. 2610, 2615, 2616, 2641-2656, 2681-2692)

Emergency Planning and Community Right-to-Know Act section 325 and 326 (42 U.S.C. 11045, 11046)

Federal Insecticide, Fungicide, and Rodenticide Act sections 8, 9, 12, 13, and 14 (7 U.S.C. 136f, 136g, 136j, 136k, 136l)

Ocean Dumping Act sections 101, 104B, 105, and 107 (33 U.S.C. 1411, 1414B, 1415, 1417)

National Environmental Policy Act (NEPA)

Antarctic Science, Tourism, and Conservation Act (ASTCA)

Endangered Species Act (ESA)

National Historic Preservation Act (NHPA)

Performance Measure: Number of EPA training classes/seminars delivered to states, localities and tribes to build capacity.

Performance Database: NETI's course information management systems, the Automated Blue Form, and the registrar.

Data Source: Manual Reports.

QA/QC Procedures: Managers QA/QC information in system.

Data Quality Review: None

Data Limitations: The target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: None

Performance Measure: Total number of state, tribal and local students trained.

Performance Database: NETI's course information management systems, the Automated Blue Form, and the registrar.

Data Source: Manual Reports.

QA/QC Procedures: Managers QA/QC information in system.

Data Quality Review: None

Data Limitations: The target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: None

Performance Measure: Review and respond to 100% of the notices for transboundary movement of hazardous wastes, ensuring their proper management in accordance with international agreements.

Performance Database: WITS (Waste Import Tracking Systems), Hazardous Waste Export System (HWES).

Data Source: Manual Reports (notifications) submitted by U.S. exporters and by foreign governments for imports.

QA/QC Procedures: EPA reviews the notifications, manifests and annual reports to ensure they are timely and accurate before they are entered into the database.

Data Quality Review: None

Data Limitations: Notifications are self-reported.

New & Improved Data or Systems: None.

Performance Measure: **The National Enforcement Training Institute (NETI) will train tribal personnel.**

Performance Database: National Enforcement Training Institute Registration System.

Data Source: Potential class participants.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: The target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: None

Performance Measure: **The National Enforcement Training Institute (NETI) will provide tribal governments with 50 computer-based training (CBT) modules.**

Performance Database: National Enforcement Training Institute Registration System.

Data Source: Qualified individuals interested in NETI training.

QA/QC Procedures: None

Data Quality Review: None

Data Limitations: None

New & Improved Data or Systems: None

Performance Measure: Percent of mutually agreed-upon high priority facilities in Indian country will have been the object of minimum core compliance monitoring program.

Performance Database: Internal tracking will be done manually against the list of high priority facilities developed during FY01.

Data Source: None.

QA/QC Procedures None

Data Quality Review None

Data Limitations None

New & Improved Data or Systems: None

Performance Measure: Conduct 4 analyses of environmental problems in Indian Country using EPA's baseline assessment survey.

Performance Databases: Data will be gleaned from AILESP (American Indian Land Environmental Support Project) database. This database is a subset of IDEA (Integrated Data for Enforcement Analysis) containing information affecting Indian country. IDEA itself integrates data from major enforcement and compliance systems such as, the Permit Compliance System (PCS), Air Facilities System (AFS), Resource Conservation and Recovery Act Information System (RCRAInfo), and Emergency Response Notification System (ERNS).

Data Source: EPA Regional offices.

QA/QC Procedures: All the systems within IDEA and in turn AILESP, have been developed per Office of Information Management Lifecycle Management Guidance, which includes data validation processes, internal screen audit checks and verification, system and user documents, data quality audit reports, third party testing reports, and detailed report specifications for showing how data are calculated.

Data Quality Review: AFS: EPA IG reports in 1997 and 1998 highlighted states' problems with identifying and reporting Clean Air Act significant violators, impairing EPA's ability to assess non-compliance. EPA issued High Priority Violator Guidance to improve tracking of sources of violations. As

a result of the reports, EPA has enhanced oversight and headquarters' outreach to regions, states, locals. (See Major Management Issues)

Data Limitations: For all systems, there are concerns about quality and completeness of data and the ability of existing systems to meet data needs. Incompatible database structures/designs and differences in data definitions impede integrated analyses. There are incomplete data available on universe of regulated facilities because not all are inspected/permited. In addition, the target is based on a preliminary estimate of the impact of redirecting resources to the state and tribal enforcement grant program.

New & Improved Data or Systems: PCS modernization is currently underway. EPA is preparing Quality Management Plans (data quality objectives, quality assurance project plans, baseline assessments) for all major systems. A new Integrated Compliance Information System (ICIS) will support core program needs and consolidate and streamline existing systems. A pilot project is underway on developing statistically-valid compliance rates.

Performance Measure: Complete settlements with 500 facilities to voluntarily self-disclose to the Federal government and correct violations.

Performance Database: Headquarters manages information on the self-disclosing policies in the DOCKET.

Data Source: Headquarters and the Regions enter the information. The data for Docket is generated through the use of the Case Conclusion Data Sheet (CCDS), which is prepared by Agency staff after the conclusion of each criminal and civil (judicial and administrative) enforcement action. The CCDS was implemented by EPA in 1996 and captures the relevant information on the results and environmental benefits of the concluded enforcement cases. Docket was modified to collect information on the self-disclosing policies.

QA/QC Procedures: Procedures are in place for both the CCDS and for Docket entry.

Data Quality Review: Information contained in the CCDS and Docket are reviewed by Regional and Headquarters staff for completeness and accuracy.

Data Limitations None

New & Improved Data or Systems: Docket is now collecting information on the self-disclosing policies after it was modified. These policies were tracked in Docket beginning in FY 2000.

Performance Measure: Increase Environmental Management Systems (EMS) use by developing tools, such as training and best practice manuals that encourage improved environmental performance.

Performance Database: Internal tracking system is currently being developed.

Data Source: Headquarters will report on progress.

QA/QC Procedures: None.

Data Quality Review: None.

Data Limitations: None.

New & Improved Data or Systems: None.