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Environmental Protection
Agency

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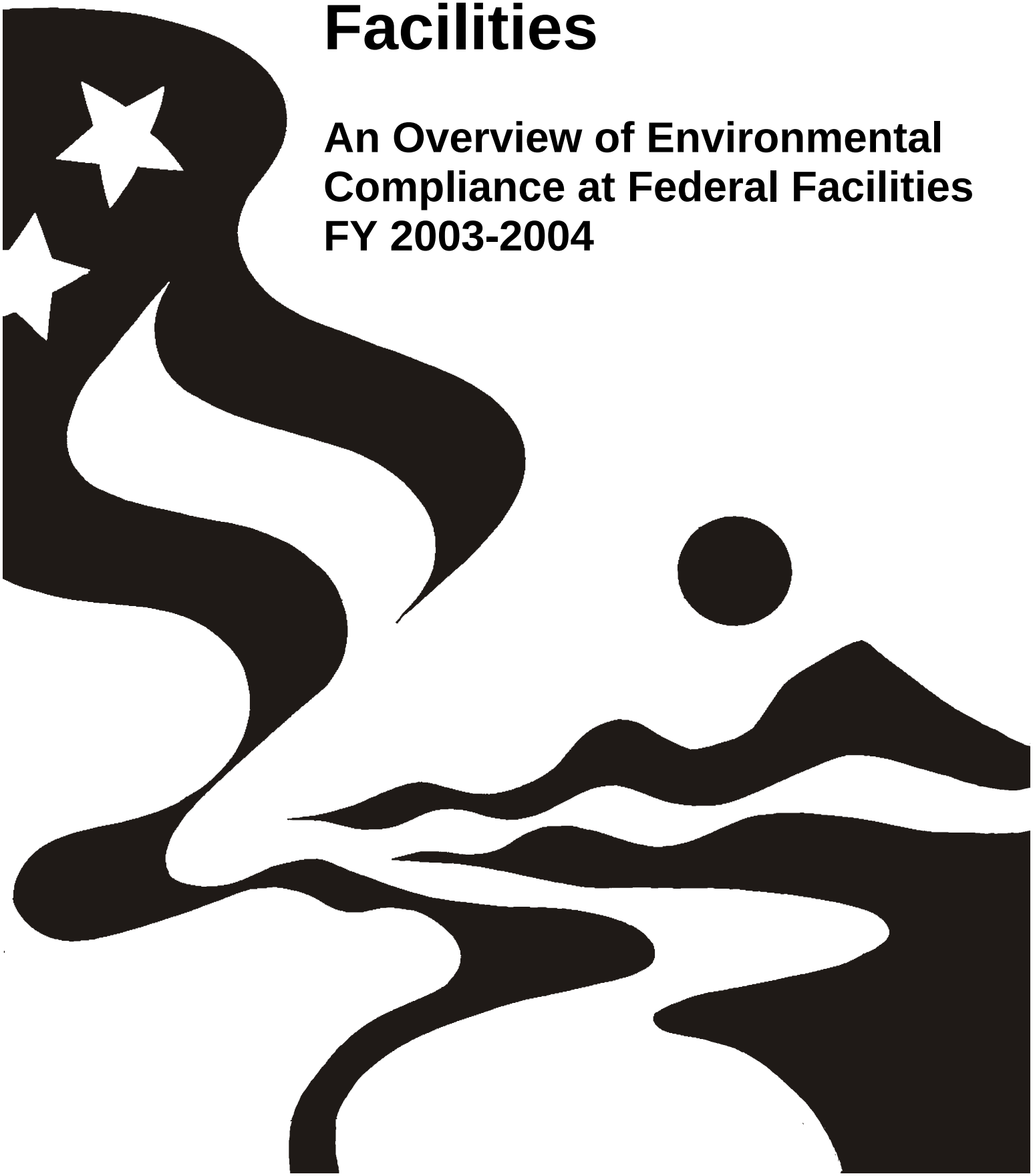
The State of Federal Facilities

An Overview of Environmental Compliance at Federal Facilities FY 2003-2004



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This document, as well as additional information on EPA's compliance and enforcement programs, can be found at http://www.epa.gov/compliance.

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I. EXECUTIVE SUMMARY

The Environmental Protection Agency's mission is to protect public health and improve the environment by ensuring compliance with environmental requirements, preventing pollution and promoting environmental stewardship. This report is the latest in a series of State of Federal Facilities reports issued by the Federal Facilities Enforcement Office in EPA's Office of Enforcement and Compliance Assurance. It contains information on compliance by federal government agencies with federal environmental laws.

This report does not attempt to analyze the underlying causes of noncompliance. It simply profiles the federal government's compliance with environmental laws in 2003 and 2004. It also presents compliance information back to 1993 so trends can be observed. Prior State of Federal Facilities reports can be found at EPA's web site, http://www.epa.gov/compliance under Data, Planning, and Results.

In 2003 and 2004[1] compliance by federal agencies generally continued long-term trends. Compliance with air pollution requirements remained high, water pollution requirements improved but compliance with hazardous waste management requirements declined.

After four years of decline, inspections by EPA and states of federal facilities increased in 2004. EPA took a variety of enforcement actions against federal facilities in 2003 and 2004 to address compliance problems. In negotiating settlement of these actions, EPA focused on getting the facilities to undertake work, valued at more than $100 million, to return to compliance and remedy the underlying cause of the compliance problems. Federal facilities agreed to undertake additional environmentally beneficial projects valued at almost $2 million.

EPA oversees environmental cleanup work underway at federal facilities. In 2004, EPA and the Department of Defense reached an agreement on implementing and maintaining land use controls at military cleanup sites. The agreement clears the way for faster cleanups at multiple military sites.

EPA's Future Directions

This report also highlights changes EPA began in 2003 and 2004 that will continue into the future. These include EPA's increased integration of varied activities to promote compliance by federal agencies with environmental laws and Presidential Executive Orders. In 2004, EPA Headquarters and Regions began a coordinated work planning process to develop strategies to focus activities to have the maximum impact on important environmental problems. This resulted in focusing EPA activities toward improving compliance at Veterans Health Administration facilities. In the future, it is anticipated that EPA will focus on improving compliance by federal agencies with wastewater and stormwater requirements.

EPA now delivers compliance assistance to federal agencies through FedCenter.gov, an on-line environmental stewardship and compliance assistance center established through an EPA-Army Corps of Engineers partnership in 2004. It is designed to help all federal agencies improve their environmental programs. EPA will increase inspections in areas that are the focus of integrated strategies. Resources will be focused on taking timely and appropriate follow-up actions where violations are found. EPA will direct actions toward contaminated federal sites where EPA and the other agency cannot complete an enforceable cleanup agreement within time frames established by federal law. Those

[1] All years in this report unless noted otherwise refer to the federal fiscal year which runs from October 1st through September 30th of the following year. FY 2003 was Oct. 1, 2002 through Sept. 30, 2003; FY 2004 was Oct. 1, 2003 through Sept. 30, 2004.

agreements should include provisions to ensure that the federal facility cleanups adequately address long-term stewardship at the site, including maintaining land use controls. EPA will continue to advocate environmentally sustainable practices that support the missions of federal agencies while also ensuring that public health and the environment are protected.

Thousands of federal facilities are implementing environmental management systems that should help them become better stewards of our nation's environment.

EPA's national enforcement and compliance strategic plans, including EPA's federal facilities plans, can be viewed at http://www.epa.gov/ocfo (see Office of Enforcement and Compliance Assurance National Program Manager Guidance).

II. ENVIRONMENTAL IMPACT OF FEDERAL GOVERNMENT OPERATIONS

Federal agencies can have a large impact on our nation's environment. According to the latest information from the U.S. General Services Administration, the U.S. government owns more than 653 million acres of land – nearly 29 percent of the land area of the United States.[2] These lands include forests, parks, historic sites, grazing lands and military lands.

The federal government's departments, agencies, and bureaus own or operate more than 456,000 buildings at over 30,000 facilities.[3] These buildings include offices, housing, manufacturing and production buildings, maintenance and service facilities, hospitals, research facilities, schools, prisons, and storage buildings. These operations generate pollution, create wastes and impact our environment. The federal government is a large consumer of natural resources and power. Government agencies spend over $10 billion per year on energy.[4]

Federal agencies, like other regulated parties, are required to comply with federal environmental laws, as well as those of states, local governments and tribes. Federal agencies must also comply with environmental requirements set out in Presidential Executive Orders. EPA regularly tracks over 7,000 federal facilities that are subject to one or more federal environmental laws.[5]

EPA's Toxics Release Inventory (TRI) program collects information on the disposal or other releases and other waste management practices for over 650 chemicals from industrial sources in the United States. These sources include federal facilities that comply with TRI requirements under a Presidential Executive Order. Calendar year 2003 is the latest year for which TRI information is available. For 2003, federal facilities reported the following:

- 295 federal facilities reported 78 million pounds of total on- and off-site disposal or other releases.
- Disposal or other releases by federal facilities decreased by 7.4 million pounds (9 percent) between 2002 and 2003.
- Total production-related waste managed at federal facilities decreased by 5.5 million pounds (3 percent) between 2002 and 2003.

One reason for these decreases is that Tennessee Valley Authority utilities reported a decrease in total disposal or other releases of 6.9 million pounds (8 percent) from 2002 to 2003, including a decrease of 6.2 million pounds in air emissions, primarily hydrochloric acid (3.3 million pounds) and sulfuric acid (2.9 million pounds).

EPA's complete 2003 TRI Public Data Release is at http://www.epa.gov/tri. TRI information reported by sources, including federal facilities, is available online in a searchable, sortable format at http://www.epa.gov/triexplorer.

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[2] U.S. General Services Administration, Real Property Profile dated Sept. 30, 2004; http://www.gsa.gov/realpropertyprofile.

[3] See Footnote 2.

[4] http://www.energystar.gov/index.cfm?c=government. bus_government.

[5] As tracked in EPA's Online Tracking Information System (OTIS) as of May 2005; http://www.epa.gov/idea/otis.

III. COMPLIANCE WITH ENVIRONMENTAL LAWS

Measuring Compliance

EPA and state regulators monitor activities at federal facilities to determine whether they are in compliance with environmental laws. Compliance monitoring enables regulators to measure and track compliance over time, identify potential problem areas and identify where compliance assistance is needed. EPA and states obtain information regarding environmental compliance primarily in two ways: (1) conducting on-site inspections and assessments, and (2) reviewing information in reports submitted by regulated facilities (self-reporting).

Noncompliance can be measured in a number of ways, including (1) the percentage of facilities cited for any violations, regardless of their severity; (2) the percentage of facilities repeatedly cited for significant noncompliance; and (3) the percent of facilities repeatedly with violations, among others. Beginning in 1993, EPA began to measure compliance at federal facilities by generally looking at:

- Significant noncompliance events (such as releasing pollutants well above a specified limit) at any time during the relevant time period and at;
- "Major" federal facilities (e.g., facilities that because of their size or operations have the potential to have a significant impact on the environment) and
  - which had been inspected by EPA or a state or
  - which submitted compliance reports to EPA or a state.

Exhibit 1 identifies the compliance indicators used by this report to measure federal facility compliance. These indicators denote the percent of facilities that were not in SNC at any time during the relevant year. For ease of reading, the term "non-SNC rate" is used in this report to describe such facilities.

Exhibit 1
Definitions of Compliance Indicators for Federal Facilities

Statute	Compliance Indicator
RCRA TSDF	Percent of inspected federal treatment, storage or disposal facilities (TSDFs) not in significant noncompliance (SNC)
RCRA LQG	Percent of inspected federal Large Quantity Generators (LQGs) not in significant noncompliance (SNC)
RCRA SQG	Percent of inspected federal Small Quantity Generators (SQGs) not in significant noncompliance (SNC)
CWA/NPDES	Percent of NPDES major federal facilities not in significant noncompliance (SNC)
CAA	Percent of major federal sources not cited for high priority violations (HPV)
SDWA	Percent of federal public water systems not in significant noncompliance (SNC)

CAA and CWA: The compliance indicator for CAA and CWA is measured only at major facilities primarily because of data quality issues. Under both the CAA and the CWA, states are not required to provide data on minor facilities to their respective national data systems, and many do not. Thus, compliance data for minor CAA and CWA facilities is incomplete.

CWA/NPDES: The CWA NPDES program requires facilities to submit Discharge Monitoring Reports (DMRs) periodically to states and EPA. DMRs contain information on the facility's water discharges over the prior period. The non-SNC rates in this report are derived in part from the data in DMRs as well as information obtained from inspections.

RCRA: In the case of RCRA, non-SNC rates are based primarily on inspection data, however, only a portion of the RCRA universe of facilities are inspected in any given year. This is especially true for transporters, small quantity generators, and large quantity generators. A significant percentage of small quantity generators have never been inspected. In contrast, most federal TSDFs are inspected at least once a year.

SDWA: Drinking water systems are not classified as "major" or "minor" -- they are classified as community systems, non-community systems, transient systems, and others. Non-SNC rates are based on *all* federal drinking water systems which do not have a SNC event in the relevant year.

TSCA, FIFRA and EPCRA: Compliance statistics for TSCA, FIFRA, and EPCRA are no longer included in this report for two reasons: (1) the relevant data fields within the EPA data base are not reliably populated and are subject to other data quality issues, and (2) even if the data fields were accurate, the number of inspected facilities is too small to yield meaningful results.

SNC: Each environmental program has a specific definition for what constitutes a SNC. EPA's CAA program uses High Priority Violator (HPV), rather than SNC, to denote significant violations. Detailed information on each environmental program's data system definition of SNC or HPV is in the Appendix. Summaries of EPA SNC policies are contained at the end of the Appendix to this report.

The non-SNC rates in this report represent the conditions found at inspected facilities or at facilities that submitted compliance reports to EPA and states. ***These non-SNC rates may not be reflective of the overall compliance rates*** for all federal facilities. In fact, non-SNC rates may both **over**-represent and **under**-represent the level of compliance in the overall universe.

- First, EPA and states target inspections toward facilities suspected of having compliance problems; few inspections are done randomly. To the extent that non-SNC rates are based on inspections at facilities thought to have compliance problems (and most are), they may not reflect compliance at all federal facilities. Thus, non-SNC rates probably **over**-represent the frequency of violations in the general universe.

- Second, non-SNC rates only reflect the percentage of facilities that do not have "significant" violations; they do not reflect all violations. A facility may have numerous violations but none of them are classified as "significant." Thus, non-SNC rates probably **under**-represent the frequency of violations in the general universe.

Even with these limitations, these rates–which are based on information obtained by on-site EPA and state inspections and information derived from reports done by the regulated facilities themselves–are useful in gauging the compliance status of larger facilities with the most important environmental requirements.

Readers may wish to use a number that reflects facilities that are in SNC. To do so, simply take the converse of the non-SNC rates. For example, if the non-SNC rate is 87 percent, the percent of facilities with SNCs is 13 percent (100% – 87% = 13%).

Non-SNC rates should also be viewed in context of both (1) the universe of facilities regulated under each regulatory program and (2) the number of inspections conducted by EPA and states. For example, if the universe of facilities is large but inspections are few, the non-SNC rate may be less representative of the general level of compliance than vice versa. Approximately 80 percent of a universe needs to be inspected for inspection-based rates to be considered representative of the entire universe. Universe and inspection information is included in the Appendix of this report.

In 2004, EPA began to focus attention on chronic noncompliant facilities, particularly facilities that are in SNC and where there is no EPA or state enforcement response. As part of this process, EPA found that in some states and in some EPA regions there was a marked decrease in the number of SNCs identified during CAA inspections as compared with past years, even though the number of inspections remained relatively constant. EPA is continuing to investigate this matter as this report goes to print.

Non-SNC Rates for 2003 and 2004

1993 through 2004 non-SNC rates for federal facilities are represented in **Exhibit 2** and **Exhibit 3** below.

Exhibit 2
Federal Facility Non-SNC Rates for Selected Indicators for Inspected and Reporting Facilities

	Fiscal Year											
Statute	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**
RCRA/TSDF*	55.4%	61.6%	73.8%	75.1%	81.2%	88.2%	88.6%	93.6%	92.3%	94.0%	95.0%	86.2%
RCRA/LQG**									96.7%	98.5%	97.8%	94.2%
RCRA/SQG**									96.9%	96.4%	96.9%	100.0%
CWA/NPDES	94.2%	88.5%	76.2%	73.0%	70.4%	61.5%	64.9%	67.5%	51.9%	67.3%	69.0%	78.3%
CAA***	87.0%	87.9%	88.8%	87.4%	84.2%	88.9%	90.0%	87.9%	91.7%	92.5%	92.2%	93.0%
SDWA/PWSS	99.2%	98.7%	93.0%	96.4%	97.1%	98.1%	98.2%	97.7%	95.3%	95.9%	96.2%	97.3%

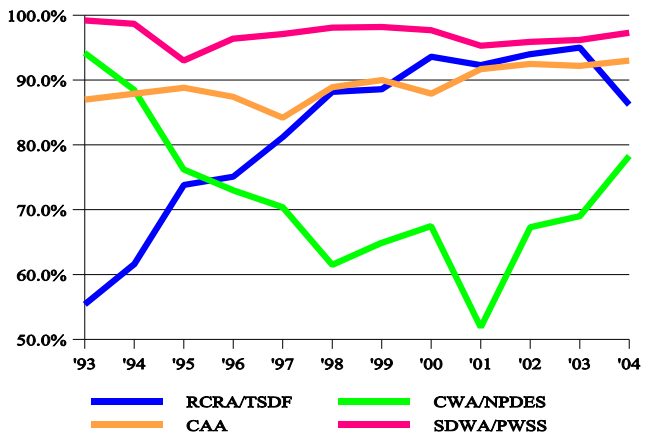
Source: IDEA and SDWIS – various dates

*The RCRA TSDF compliance indicator used prior to FY 1999 was "inspected TSDFs without Class I violations." For FY 1999 and beyond, the compliance indicator is "inspected TSDFs not in SNC."

** The RCRA LQG and SQG compliance indicator is inspected LQGs and SQGs not in SNC. FFEO did not collect data on these RCRA facility types in State of Federal Facility reports prior to 2001.

***Prior to FY 2001, the CAA compliance indicator used was "major sources in compliance." For FY 2001 and beyond the compliance indicator is "major sources not cited for HPVs."

Exhibit 3
Federal Facility Non-SNC Rates



Source: IDEA and SDWIS – various dates

These rates reveal the following:

- **RCRA**: In 2003, non-SNC rates for TSDFs, and LQGs and SQGs were over 95 percent. However, in 2004 the TSDF rate dropped almost 9 percent to 86.2 percent–and the rate for some agencies dropped even more. In contrast, the rate for non-federal entities dropped only 1.6 percent. This federal rate decrease is especially concerning since 72 percent (167 of 232 facilities) of federal TSDFs were inspected by EPA or states in 2004. Effective Feb. 15, 2004, EPA changed the definition of RCRA SNCs.[6] It is unknown if or how this policy change impacted the non-SNC rate, but EPA will continue to monitor SNCs at federal TSDFs.

- **CWA/NPDES:** Since 2001, the non-SNC rate has been improving and reached 78.3 percent in 2004. The federal government rate increase (69 percent to 78.3 percent, up 9.3 percent) was greater than the increase for non-federal entities (77.8 percent to 80.1 percent, up 2.3 percent). The rate for Civilian Federal Agencies increased even more – 16.6 percent–between 2003 and 2004.

- RCRA LQG and SQG non-SNC Rates: Less that 20 percent of the federal LQG universe and less that 1.7 percent of the federal SQG universe were inspected in both 2003 and 2004. Because of this, caution should be exercised in using the LQG and SQG non-SNC rates.

Variation of Non-SNC Rates among Federal Agencies

Breaking the overall Federal government non-SNC rates down by agencies shows variations between different agencies. Because facilities operated by the Department of Defense (DOD), its military departments and the Department of Energy (DOE) make up a significant portion of the universe of major Federal facilities, EPA compiles non-SNC rates for them individually. Federal agencies other than DOD and DOE are categorized as Civilian Federal Agencies. Additionally, non-SNC rates for facilities owned or operated by non-federal government entities (primarily private facilities and municipal government facilities) are computed for comparison purposes. Individual federal agency and non-federal entity non-SNC rates are set out in **Exhibits 4 - 15** on the following pages. This data reveals that:

- The Federal government's overall non-SNC rates are generally comparable to or better than those of non-Federal entities.

- DOE's RCRA TSDF and CWA NPDES non-SNC rates are lower than other agencies.

- The CWA/NPDES non-SNC rates vary by almost 40% (from 61.9% to 100.0%) among the military departments.

[6] Hazardous Waste Civil Enforcement Response Policy, December 2003; http://www.epa.gov/compliance/resources/policies/civil/rcra/finalerp1203.pdf

Exhibit 4
RCRA TSDF Non-SNC Rates at Inspected Facilities by Federal Agency Category

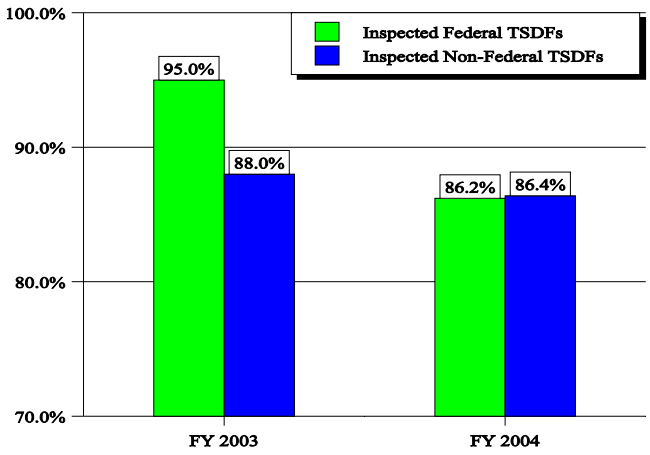
Agency	TSDFs	Inspected TSDFs	Percent Inspected	TSDFs in SNC	TSDFs not in SNC
	FY 2003				
DOD*	NC	141	NC	3	138 (97.9%)
Army	*NC*	*61*	*NC*	*3*	*58 (95.1%)*
Navy	*NC*	*36*	*NC*	--	*36 (100.0%)*
Air Force	*NC*	*40*	*NC*	--	*40 (100.0%)*
CFAs	NC	11	NC	--	11 (100.0%)
DOE	NC	28	NC	6	22 (78.6%)
Total	**228**	**180**	**78.9%**	**9**	**171 (95.0%)**
	FY2004				
DOD*	NC	126	NC	13	113 (89.7%)
Army	*NC*	*57*	*NC*	*7*	*50 (87.7%)*
Navy	*NC*	*34*	*NC*	*4*	*30 (88.2%)*
Air Force	*NC*	*32*	*NC*	*2*	*30 (93.8%)*
CFAs	NC	12	NC	0	12 (100.0%)
DOE	NC	29	NC	10	19 (65.5%)
Total	**232**	**167**	**72.0%**	**23**	**144 (86.2%)**

Source: IDEA – 2/20/04 and 1/7/05

* Other DOD facilities (e.g., DLA, Defense Mapping Agency) are included in the overall DOD compliance rates, but are not broken out separately in this table because they represent such a small portion of the DOD universe.

NC -- Data was not collected

Exhibit 5
Percentage of Inspected TSDFs not in SNC (Federal vs. Non-Federal TSDFs)



Source: IDEA – 2/20/04 and 1/7/05

Note that the term "non-federal" refers to those facilities listed within the IDEA database that are not flagged as federal (e.g., industrial, commercial facilities, etc.).

Exhibit 6
RCRA LQG Non-SNC Rates at Inspected Federal Facilities

Agency	LQGs	Inspected LQGs	Percent Inspected	LQGs in SNC	LQGs not in SNC
	FY 2003				
DOD	NC	57	NC	2	55 (96.5%)
CFAs	NC	29	NC	--	29 (100.0%)
DOE	NC	4	NC	--	4 (100.0%)
Unidentified*	NC	3	NC	--	3 (100.0%)
Total	**560**	**93**	**16.6%**	**2**	**91 (97.8%)**
	FY 2004				
DOD	NC	69	NC	4	65 (94.2%)
CFAs	NC	38	NC	2	36 (94.7%)
DOE	NC	3	NC	0	3 (100.0%)
Unidentified*	NC	10	NC	1	9 (90.0%)
Total	**622**	**120**	**19.3%**	**7**	**113 (94.2%)**

Source: IDEA – 2/20/04 and 1/7/05

* Unidentified federal facilities have not been assigned a GSA code or otherwise identified as belonging to a particular agency, however, they have been flagged as federal.

NC -- Data was not collected

Exhibit 8
RCRA SQG Non-SNC Rates at Inspected Federal Facilities

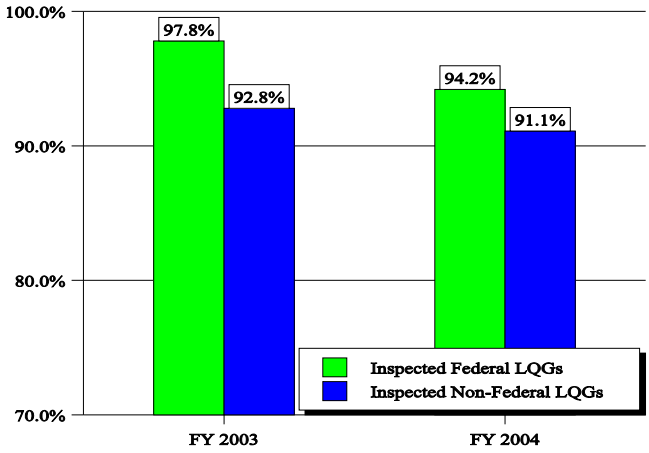
Agency	SQGs	Inspected SQGs	Percent Inspected	SQGs in SNC	SQGs not in SNC
	FY 2003				
DOD	NC	24	NC	--	24 (100.0%)
CFAs	NC	35	NC	1	34 (97.1%)
DOE	NC	1	NC	--	1 (100.0%)
Unidentified*	NC	4	NC	1	3 (75.0%)
Total	**4586**	**64**	**1.4%**	**2**	**62 (96.9%)**
	FY 2004				
DOD	NC	31	NC	0	31 (100.0%)
CFAs	NC	42	NC	0	42 (100.0%)
DOE	NC	1	NC	0	1 (100.0%)
Unidentified*	NC	5	NC	0	5 (100.0%)
Total	**4685**	**79**	**1.7%**	**0**	**79 (100.0%)**

Source: IDEA – 2/20/04 and 2/2/05

* Unidentified federal facilities have not been assigned a GSA code or otherwise identified as belonging to a particular agency, however, they have been flagged as federal.

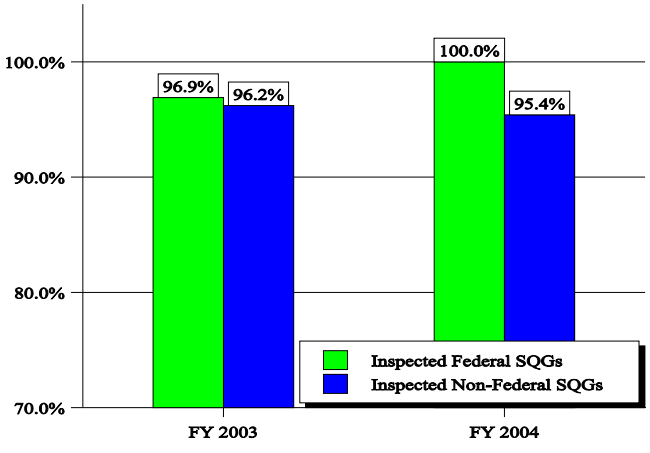
NC -- Data was not collected.

Exhibit 7
Percentage of Inspected LQGs not in SNC (Federal vs. Non-Federal)



Source: IDEA – 2/20/04 and 1/7/05

Exhibit 9
Percentage of Inspected SQGs not in SNC (Federal vs. Non-Federal)



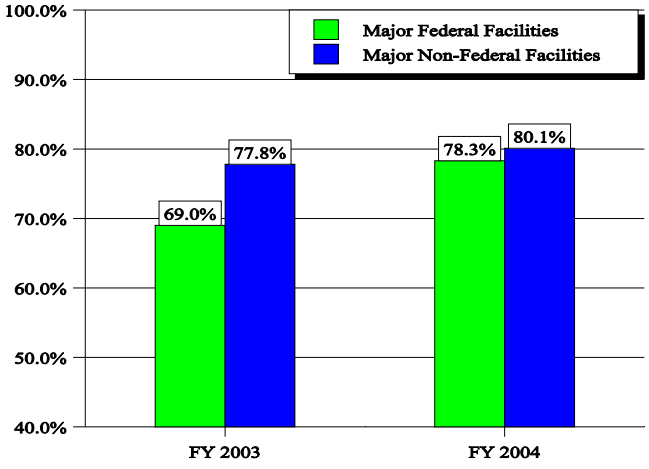
Source: IDEA – 2/20/04 and 1/7/05

Exhibit 10
CWA/NPDES Non-SNC Rates by Federal Agency Category

Agency	Major Facilities	Inspected/ Reporting	Percent Inspected/ Reporting	Majors in SNC	Majors Not in SNC
	FY 2003				
DOD	61	61	100.0%	17	44 (72.1%)
Army	*28*	*28*	*100.0%*	*9*	*19 (67.9%)*
Navy	*21*	*21*	*100.0%*	*8*	*13 (61.9%)*
Air Force	*12*	*12*	*100.0%*	--	*12 (100.0%)*
CFAs	27	27	100.0%	9	18 (66.7%)
DOE	12	12	100.0%	5	7 (58.3%)
Total	**100**	**100**	**100.0%**	**31**	**69 (69.0%)**
	FY 2004				
DOD	56	56	100.0%	12	44 (78.6%)
Army	*23*	*23*	*100.0%*	*6*	*17 (73.9%)*
Navy	*20*	*20*	*100.0%*	*6*	*14 (70.0%)*
Air Force	*13*	*13*	*100.0%*	*0*	*13 (100.0%)*
CFAs	24	24	100.0%	4	20 (83.3%)
DOE	12	12	100.0%	4	8 (66.7%)
Total	**92**	**92**	**100.0%**	**20**	**72 (78.3%)**

Source: IDEA – 2/19/04 and 2/2/05

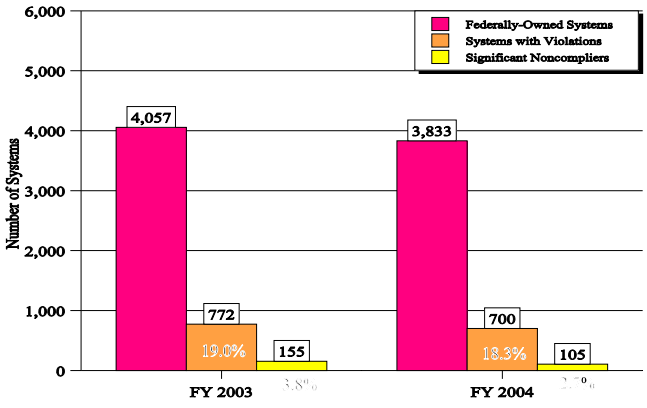
Exhibit 11
Percentage of Inspected and Reporting Major CWA/NPDES Facilities not in SNC (Federal vs. Non-Federal Majors)



Source: IDEA – 2/19/04 and 2/2/05

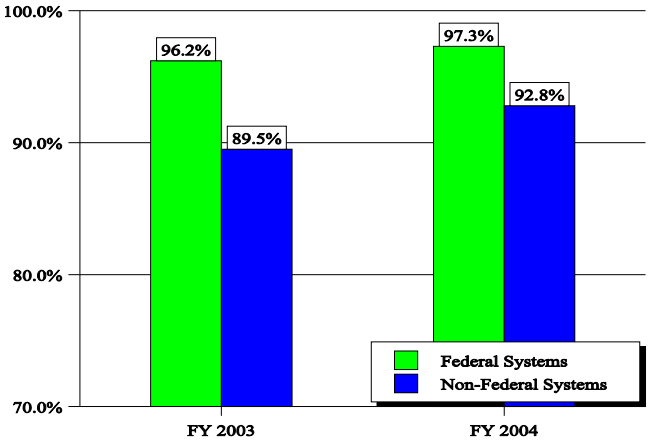
DOD calculates its compliance with NPDES requirements differently than EPA. DOD includes both major and minor facilities, while EPA uses only major facilities. DOD's latest report concludes that 94 percent of its facilities were in compliance with NPDES requirements for calendar year 2004.[7]

Exhibit 12
SDWA/PWSS Noncompliance at Federally-Owned Systems



Source: SDWIS – 3/4/04 and 3/21/05

Exhibit 13
Percentage of SDWA Public Water Supply Systems not in SNC (Federal vs. Non-Federal Systems)



Source: SDWIS – 3/4/04 and 3/21/05

[7] Defense Environmental Programs Annual Report to Congress Fiscal Year 2004; http://www.denix.osd.mil/DEP2004.

Exhibit 14
CAA Non-SNC Rates at Inspected and Reporting Facilities by Federal Agency Category

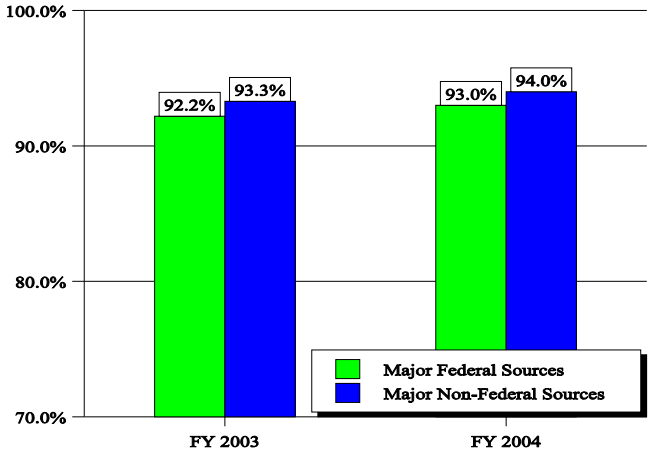
Agency	Major Sources	Inspected/ Reporting	Percent Inspected/ Reporting	Majors in HPV	Majors Not in HPV
		FY 2003			
DOD*	308	294	95.5%	20	274 (93.2%)
Army	*108*	*102*	*94.4%*	*11*	*91 (89.2%)*
Navy	*96*	*92*	*95.8%*	*6*	*86 (93.5%)*
Air Force	*90*	*86*	*95.6%*	*3*	*83 (96.5%)*
CFAs	188	179	95.2%	19	160 (89.4%)
DOE	32	28	87.5%	2	26 (92.9%)
Unidentified**	26	24	92.3%	--	24 (100.0%)
Total	**554**	**525**	**94.8%**	**41**	**484 (92.2%)**
		FY 2004			
DOD*	319	308	96.6%	21	287 (93.2%)
Army	*108*	*104*	*96.3%*	*11*	*93 (89.4%)*
Navy	*101*	*97*	*96.0%*	*6*	*91 (93.8%)*
Air Force	*97*	*94*	*96.9%*	*3*	*91 (96.8%)*
CFAs	189	181	95.8%	15	166 (91.7%)
DOE	30	25	83.3%	1	24 (96.0%)
Unidentified**	15	14	93.3%	0	14 (100.0%)
Total	**553**	**528**	**95.5%**	**37**	**491 (93.0%)**

Source: IDEA – 2/19/04 and 2/5/05

* Other DOD facilities (e.g., DLA, Defense Mapping Agency) are included in the overall DOD compliance rates, but are not broken out separately because they represent such a small portion of the DOD universe.

** Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

Exhibit 15
Percentage of Inspected and Reporting CAA Major Sources not cited for HPVs (Federal vs. Non-Federal)



Source: IDEA – 2/19/04 and 2/5/05

Online Compliance Information

Compliance information is available online through EPA's Environmental Compliance History Online (ECHO) system which contains three years of compliance and enforcement information on approximately 800,000 regulated facilities, including federal facilities. Visit ECHO at www.epa.gov/compliance and click on ECHO.

To help Federal agency staff manage their operations that impact the environment, in 2003 EPA made ***additional*** compliance and enforcement information on over 7,000 federal facilities available online to federal employees. This information is found in EPA's Online Tracking Compliance System (OTIS), http://www.epa.gov/idea/otis. Whereas ECHO has three years of information, OTIS has up to five years. OTIS users can:

- View compliance and enforcement action information on all facilities operated by any particular federal department, agency or bureau and within specified geographic areas.
- See significant violations highlighted in **bold and red** type, making it easy to identify and track noncompliance trends.
- See trends in compliance and violations across a department, agency or bureau.
- Identify which facilities have been inspected by EPA or states and the results of those inspections.
- Collect compliance information in preparation for an on-site audit or inspection.
- Send an electronic message to EPA and state regulators if any information is thought to be erroneous.

Federal employees have to register and get a password to access OTIS, but access is free and available at all times.[8]

[8] Go to http://www.epa.gov/idea/otis/register to register for OTIS access.

IV. SUSTAINABILITY OF FEDERAL GOVERNMENT MISSIONS

Increasingly, regulated facilities–both public and private–are focusing not just on operating in compliance with regulations, but operating in ways that are environmentally sustainable. This requires looking at activities that may not be regulated by law but which impact the environment. For example, buildings can be built and renovated in environmentally sensitive ways, such as with materials produced from renewable sources and using native plants for landscaping to reduce the need for irrigation, pesticides and herbicides. Environmental staff and managers in federal agencies across the country are working on making their facilities and operations sustainable over the long-term.

West Coast Federal Network for Sustainability

The Federal Network for Sustainability was established on Earth Day 2000 to address the lack of interagency cooperation. It is a collaborative effort between 14 federal agencies on the West Coast and primarily works to implement requirements under various "greening the government" Executive Orders. Facilities with more than 150,000 federal employees participate in the network, which focuses on alternative energy, electronic products stewardship, environmental management systems and green purchasing. In 2003, the Network was awarded a White House Closing the Circle Award for its work.

Greening the Government

EPA's offices in Regions 1 (Boston), 2 (New York), and 3 (Philadelphia) and the Northeast Waste Management Officials' Association sponsored a greening the government workshop in Philadelphia, PA in June 2003 to help federal, state, and local government officials prevent pollution and minimize waste at their facilities. Attendees learned about environmentally preferable purchasing, environmental management systems, green cleaning products and services, environmentally beneficial landscaping, clean fuels and vehicles, green buildings, and creating healthy indoor environments. The keynote speaker was William McDonough, the internationally renowned designer who practices ecologically, socially, and economically intelligent architecture and planning in the United States and abroad. In 1996, he became the first and only person awarded the Presidential Award for Sustainable Development and in 1999 he was named a "Hero of the Planet" by *Time*.

Environmental Management Systems

Presidential Executive Order 13148 (April 21, 2000), *Greening the Government Through Leadership in Environmental Management*, requires Federal agencies to implement environmental management systems (EMSs) at appropriate facilities by December 2005. It also sets requirements to ensure compliance with environmental laws. In doing so, it requires federal agencies to integrate environmental accountability into the day-to-day decision-making and long-term planning processes across all federal agency missions, activities and functions. It also promotes improved environmental stewardship and better management of Federal agency environmental programs.

An EMS is a systematic approach to managing an organization's environmental impacts that can help the organization reduce those impacts while increasing operating efficiency. It involves the continual cycle of planning, implementing, reviewing and improving the processes and actions that an organization undertakes to meet its business and environmental goals.

In 2003 and 2004, EPA collaborated with the Interagency Environmental Leadership Workgroup to develop policies, guidance and assistance tools to achieve the order's goals. The "Interagency EMS Primer" helps facility personnel better understand EMSs and provides briefing materials to facilitate acceptance of the EMS by facility management and staff. Metrics were established for measuring progress towards developing EMSs across the federal government thus ensuring accountability and similar standards across the federal government. EPA and the Office of the Environmental Executive trained federal staff and managers in EMSs, developed a senior manager's EMS guide and met with federal agency managers about the importance of EMSs to their operations. The most recent figures show that more than 2,400 federal facilities and sites nationwide are in various stages of EMS development. The list includes a wide range of facilities from large industrial aerospace complexes to wildlife refuges to small office buildings.

Implementation of an EMS provides opportunities to fulfill other federal environmental initiatives. For example, EPA and the interagency workgroup developed a guide describing how green procurement fits into EMSs. Likewise other issues such as energy conservation, chemical management and "green building" have been identified as other federal efforts that might easily be integrated into EMSs. Another is an Administration initiative to ensure robust compliance management programs exist in federal agencies. In 2004, federal agencies reviewed their existing compliance management programs and compared them to recognized, best-in-class compliance management practices. The review found that keys to enhanced compliance assurance in the federal community involve (1) top leadership commitment to compliance and environmental excellence; (2) clear accountability and responsibility for compliance; (3) integrated management systems and support mechanisms including funding, awareness and training to support compliance; and (4) Follow through to address identified compliance problems. In 2005, the Office of the Federal Environmental Executive asked all agencies to determine how best to place these recommendations within their EMS plans.

EMS Training

In 2003 and 2004, EPA headquarters, EPA Regions and the Office of the Federal Environmental Executive sponsored EMS training for federal agencies across the nation. EPA's regional offices on the West Coast and the Northeast conducted a series of EMS workshops. The West Coast workshops are jointly sponsored by EPA Regions 9 (San Francisco) and 10 (Seattle) and the Federal Network for Sustainability. The Northeast workshops are jointly sponsored by EPA Region 1 (Boston), Region 2 (New York) and Region 3 (Philadelphia). The workshops are a series of in-person training events given over a series of months covering all-important aspects of designing and implementing EMSs. Participants learned how to develop EMSs at their individual facilities. They include examples of EMS materials and procedures for participants to use at their facilities, ideas on creating a practical road map for developing an EMS at their facility, hands-on exercises, and showcase working EMSs from other federal agencies. In order to reach as many facilities as possible, the workshops have been held in held in a number of cities, including San Francisco, Seattle, San Diego, Las Vegas, Anchorage, and Martinez, California, to date.

EPA Regions 4 (Atlanta) and 6 (Dallas) sponsored training courses for both EMS lead auditors and EMS internal auditors in New Orleans in 2004. The courses were targeted toward federal agency staff and managers who are responsible for implementing and auditing their agencies' EMSs. Eighteen participants in the lead auditor course participants passed the ISO 14000 lead auditor examination at the end of the five-day course.

EPA strives to meet particular EMS needs of other agencies. In 2004, Region 3 (Philadelphia) gave an EMS training course just for staff in the Department of Interior's Office of Surface Mining. Region 8 (Denver) partnered with staff from the U.S. Fish and Wildlife Service, DOE and the Department of Agriculture (USDA) to train staff from the USDA's Agricultural Research Service in 2004. Participants visited one of three different USDA field stations in Colorado to identify the environmental impacts of operations at the stations. They also drafted environmental policy statements and other EMS work products. They also developed plans for getting support from their management for their EMS.

EMS On-Site Consultations for Federal Facilities

EPA does on-site consultations with federal facilities to help them implement EMSs. Environmental management reviews are a free service to federal facilities. The reviews are led by staff from EPA's regional offices, assisted by expert consultants, who travel to the facility to interview personnel and learn about the facility's operations.

Environmental Management Reviews

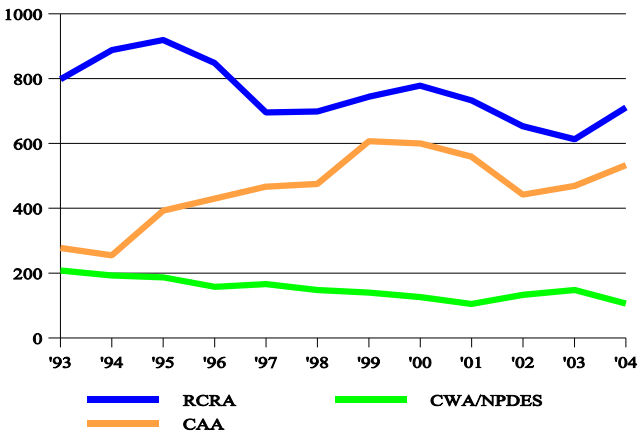
In 2003 and 2004, EPA conducted reviews at multiple federal facilities, including:

- Twenty-four VA medical centers across the county
- Lowell National Historic Park in Massachusetts
- Federal prisons in Louisiana and Texas
- Fort Polk Joint Reserve Training Center in Louisiana
- Hickam Air Force Base in Hawaii
- Department of Energy's Ames Laboratory in Iowa
- U.S. Coast Guard Station in Cape May, New Jersey
- U.S. Postal Service facility in Albany, New York
- EPA's Region 9 Laboratory in California
- Bureau of Reclamation's Lake Berryessa facilities in California
- GSA Southwest Regional Office in Fort Worth, Texas

V. INSPECTIONS

Most environmental programs rely on some form of inspection as the principal tool for determining compliance. The level of effort associated with these inspections varies, depending on the specific requirements addressed, the size and complexity of the facility's operations, and the type and amount of data required to assess compliance. EPA's regional offices and their state counterparts consult with each other to efficiently plan and carry out inspections and monitoring programs. Inspections are commonly targeted toward facilities suspected of violating environmental laws and regulations **(see Exhibit 16)**.

Exhibit 16
EPA and State Inspections at Federal Facilities



Fiscal Year	RCRA	CWA/NPDES	CAA
1993	798	208	278
1994	888	193	255
1995	919	187	393
1996	848	158	430
1997	696	166	467
1998	699	148	475
1999	744	140	607
2000	778	126	600
2001	733	105	559
2002	653	133	442
2003	613	148	469
2004	711	106	533

Source: IDEA – various dates

Some environmental programs, such as the NPDES program, require facilities to submit reports to EPA and states on their operations and compliance status. These reports are an important tool EPA and states use to monitor environmental compliance. There are civil and criminal penalties for not filing these reports. The number of EPA and state inspections from 1998 to 2004 are shown above. Note that this information represents the number of *inspections*, not the number of *inspected* federal facilities. A facility may be inspected multiple times, or not at all, during a year.

EPA regularly tracks over 7,000 federal facilities that are subject to one or more environmental laws.[9] EPA and states conducted 1,226 inspections of federal facilities in 2003 and 1,355 inspections in 2004. In 2004, EPA conducted 157 of these inspections, reversing a downward trend in inspections that began in 2000. Not all EPA and state inspections are recorded in EPA data bases, and only inspections recorded in EPA data bases are included in these figures. Details on EPA and state inspections are in the Appendix.

Multimedia Inspections

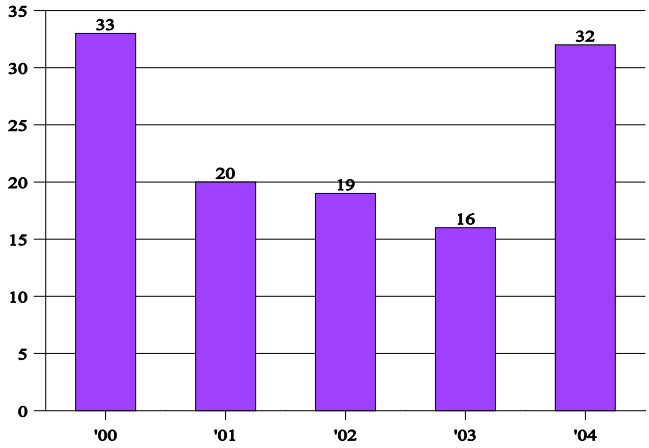
Most inspections by EPA and states focus on compliance with one environmental law or regulatory program. However, some inspections cover a number of environmental programs. They are an important component of EPA's federal facilities compliance monitoring work because they give a more comprehensive view of a facility's compliance. EPA's regional offices coordinate these inspections with state environmental agencies which may join EPA in conducting the inspections.

As shown in **Exhibit 17**, in 2003, EPA conducted 16 multimedia inspections at federal

[9] As tracked in OTIS as of May 2005.

facilities covering multiple environmental programs. Fifty percent were conducted at DOD facilities, 44 percent were conducted at civilian federal agencies and 6 percent at DOE facilities. In 2004, EPA conducted 32 multimedia inspections, twice as many as in 2003. Forty-three percent of these inspections were of civilian federal agencies, 43 percent were of DOD facilities, six percent were at DOD facilities and six percent of classified facilities. RCRA, CWA, and CAA were the predominate statutes covered by these inspections. TSCA was included in just over half of them.

Exhibit 17
EPA Multimedia Inspections at Federal Facilities



Source: Manual reports from Regions to FFEO – various dates

EPA's Multimedia Inspection Initiative

An initiative begun in 2000 provides extra resources to EPA regional offices for conducting multimedia inspections of certain types of federal facilities. As of the end of 2004, no facilities were found to be fully compliant and only six facilities were found to be relatively compliant.

The violations at 75 percent of the facilities were significant enough that EPA took some sort of enforcement action to respond to them. EPA issued five warning letters, five notices of violation, two written informal enforcement actions (which are commonly notices of violation without a penalty amount), two formal complaints, one administrative order, one RCRA information request letter, and one combined consent agreement and final order. At the end of 2004, an additional 14 inspections were under review to determine if an EPA enforcement response is necessary. Details about 2003 and 2004 multimedia inspections are in the Appendix.

Multimedia Inspection Initiative

EPA's multimedia inspection initiative focuses on facilities meeting one or more of the following criteria:

- NPDES major facilities or which impacts a downstream NPDES major facility or a water treatment works facility
- Under-inspected facilities, typically non-military facilities
- Regulated under an under-inspected media program, such as the CAA, CWA or SDWA
- Multiple underground storage tanks
- Facilities not inspected by EPA or state in last two years

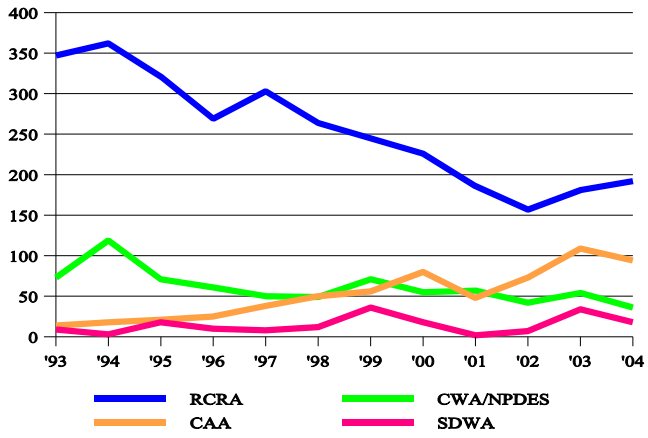
VI. ENFORCING ENVIRONMENTAL LAWS

EPA policy emphasizes using the most appropriate enforcement and compliance activities to address the most significant compliance problems. EPA's policy emphasizes five key points:

- Addressing significant environmental, human health and compliance problems;
- Using data to make strategic decisions to better utilize resources;
- Using the most appropriate tool to achieve the best outcome;
- Assessing the effectiveness of program activities to ensure continuous program improvement and desired program performance; and
- Effectively communicating the environmental, public health and compliance outcomes of EPA activities to enhance program effectiveness.

Enforcement actions are actions taken by EPA or states in response to an alleged violation. EPA enforcement actions against federal facilities are typically administrative actions (see **Exhibit 18**). In prosecuting and settling enforcement actions, EPA seeks to have the alleged violator (1) pay a monetary fine for the violation; (2) implement repairs or upgrade pollution control technologies, correct compliance problems or clean up waste; and/or (3) take action to reduce pollution or prevent problems from reoccurring.

Exhibit 18
Enforcement Actions at Federal Facilities
(Formal and Informal Actions)



Fiscal Year	RCRA	CWA/NPDES	CAA	SDWA
1993	347	73	14	9
1994	362	119	18	3
1995	321	71	21	18
1996	269	61	25	10
1997	303	50	38	8
1998	264	49	50	12
1999	245	71	56	36
2000	226	55	80	18
2001	186	57	48	2
2002	157	42	73	7
2003	181	54	109	34
2004	192	36	94	18

Source: IDEA and SDWIS – various dates

EPA's 2003 and 2004 enforcement actions are summarized in **Exhibit 19**. Detailed information on these enforcement actions, including the names of the facilities subject to these actions and the environmental statutes involved, is in the Appendix.

Measuring Progress in Enforcing Environmental Laws

EPA measures the progress and success of its enforcement program in multiple ways. EPA collects information on the monetary penalties it seeks and collects from alleged violators. As

part of a settlement of an enforcement action, EPA encourages alleged violators to undertake environmental projects which are things beyond what is required by law or regulation.

Exhibit 19
EPA Formal Enforcement Activity at Federal Facilities

Enforcement Actions	2003	2004
Administrative Penalty Complaints	5	1
Final Administrative Penalty Order Settlements	14	9
Administrative Compliance Orders	12	13

Source: ICIS -- 4/11/05

In prosecuting and settling enforcement actions against federal facilities, EPA emphasizes results which improve public health and the environment. In 2003 and 2004, federal facilities agreed to pay over $1 million in monetary penalties to resolve enforcement actions (see **Exhibit 20**). However, EPA got federal facilities to agree to undertake over $107 million of work to come into compliance (over 100 times the penalty amount) and they agreed to almost $2 million in "supplemental environmental projects" directly benefitting public health and the environment (almost twice the penalty amount).

Exhibit 20
EPA Formal Enforcement Results at Federal Facilities

Enforcement Results	1998	1999	2000	2001	2002	2003	2004
Final Penalties	$168,232	$554,922	$140,018	$1,356,840	$166,632	$920,350	$136,548
Supplemental Environmental Project Costs	$116,678	$4,188,289	$231,000	$3,459,611	$544,583	$1,803,815	$119,481
Compliance Action Costs	NC	NC	$370,000	$2,164,000	NC	$104,473,360*	$2,874,925**

Source: 1998 - 2002, various EPA reports, 2003 & 2004, ICIS -- 4/11/05

NC -- Not Collected

* $70 million of this sum (68 percent) is attributable to one CWA case against the Army Corps of Engineers, Washington Aquaduct.

** $2.8 million of this sum (97 percent) is attributable to one SDWA case against the BIA at Fort Yates, North Dakota.

Penalties Collected from Violators

Enforcement actions are taken to address the environmental or public health harm that has been created by the violators and to deter the violator, and others, from repeating the violating behavior in the future. To deter this behavior, EPA seeks to have the violator pay monetary fines in amounts commensurate with the violations committed. Penalties vary greatly from year to year, depending on the seriousness and time period of the violations discovered.

Ensuring Safety of Chemical Weapon Facilities, Johnson Atoll, Pacific Ocean

VX is a chemical warfare nerve agent which is extremely toxic – a droplet the size of Lincoln's head inside the Lincoln Memorial on the back of a penny can kill a person within 15 minutes. VX and other chemical weapons are destroyed on Johnson Atoll in the Pacific Ocean. Chemical weapon destruction began at Johnston Atoll in June 1990. In August 2002, VX was released from the destruction facility after bags of VX-contaminated sludge were improperly loaded into a chemical weapons incinerator. The VX in the sludge was not completely destroyed during incineration and a tray containing the material was transferred outside of controlled areas for approximately 20 minutes.

In 2004, EPA's Region 9 office reached a settlement with the Army and its contractor to pay a $51,000 penalty for RCRA violations. The incinerator has now been dismantled and the site no longer processes chemical weapons. The Army, Air Force, EPA and the Department of the Interior are working to transform the atoll into a wildlife refuge.

Supplemental Environmental Projects (SEPs)

EPA also encourages violators to agree to undertake supplemental environmental projects (SEPs) to settle enforcement actions. SEPs are environmentally beneficial projects that a violator volunteers to perform as part of a settlement in addition to action required to correct violations. SEPs are beneficial to human health or the environment as well as the communities where environmental harm occurred. A violator's commitment to perform a SEP may result in mitigation of the penalties assessed by EPA in return for environmental improvement directly to the community. Like penalties, SEP values can range widely year to year.

Cleaning the Air at Fort Wainwright and Fort Richardson, Alaska

In 2003, the U.S. Army and EPA reached a settlement to resolve Clean Air Act violations at Fort Wainwright and Fort Richardson in Alaska. The Army agreed to a schedule to bring the installations into compliance, to pay a $600,000 penalty, and to spend $1.7 million on supplemental environmental projects. EPA and the state worked closely together to resolve the compliance issues at the two bases.

The U.S. Army Alaska Garrison had been out of compliance and committing major violations of the Clean Air Act for over a decade, generating over 1,000 tons of unnecessary particulate matter for each of its years in violation. In 2004, the Army paid the $600,000 penalty and in 2005 it completed the installation of air pollution controls on all its coal-fired boilers at the Fort Wainwright central heat and power plant ahead of schedule.

The Army continues to implement the supplemental environmental projects, including retrofitting snow machines and outboard motors with two-stroke engines and implementing a comprehensive reforestation program. These projects will improve air quality significantly at the bases and in their surrounding communities.

Compliance Action Costs

As a result of EPA enforcement actions, federal facilities agree to take action to return to compliance. In 2003, federal agencies agreed to undertake compliance actions valued at over $104 million, including $70 million in one case and over $15 million in another. In 2004 they agreed to undertake action valued at over $2.87 million. Again, these costs vary widely year to year depending on the kinds of actions needed to return a facility to compliance.

Protecting Drinking Water, Fort Yates, North Dakota

The U.S. Bureau of Reclamation is constructing a new intake system for the Fort Yates public water system on the Standing Rock Sioux Reservation in North Dakota. In 2003, the new intake system was estimated to cost $2.8 million. The Fort Yates system provides drinking water to over 3000 residents plus visitors to a casino on the reservation. In 2003, the water system had a loss of pressure that could have allowed fecal contamination and other organisms to enter the system and be consumed by consumers. In response, EPA's Region 8 office (Denver) issued an emergency order in November 2003 to advise consumers to boil their water before using it for drinking, cooking or bathing. The order also required the Bureau to provide alternative water to consumers, conduct additional monitoring and submit and implement a plan which would restore and retain adequate pressure in the distribution system. The Bureau's construction of a new intake system is necessary for it to come into compliance with the federal Safe Drinking Water Act.

Protecting Sensitive Ecosystems on the Atlantic Coast

In September 2004, EPA entered into a RCRA Section 7003 Administrative Agreement on Consent with the National Aeronautics Space Administration (NASA) for its Wallops Island, Va. facility. Wallops Island is a potential breeding ground for the threatened piping plover and other beach nesting birds. Decades of activities associated with NASA's testing and launching rockets and sub-orbital investigations have caused significant soil, sediment, and groundwater contamination at the facility. EPA found this to be an imminent and substantial endangerment to human health and the environment. NASA committed to fully define the nature and extent of the contamination and perform any necessary cleanup actions. The cleanup is estimated to cost approximately $12 million and may include cleanup of groundwater, soils and sediments. NASA will also fund an archives search report to determine all of the past activities of both NASA and DoD that may have caused contamination. EPA crafted the agreement specifically to integrate Superfund response activities being conducted by NASA with RCRA corrective actions required under RCRA Section 7003 to ensure that the work proceeded smoothly and efficiently.

VII. CLEANING UP CONTAMINATION

EPA is responsible under law and Presidential Executive Order for overseeing cleanup of contamination at federal facilities. EPA's goal is to ensure the cleanups are adequate and protect public health and the environment. Generally, these cleanups are governed by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or RCRA. EPA must oversee a federal cleanup program which costs nearly $10 billion a year at federal energy and military facilities alone. In conducting its oversight responsibilities, EPA works cooperatively with federal agencies to improve project management and increase cost-efficiency.

There are 173 federal facility sites on the CERCLA National Priority List. CERCLA requires EPA and the federal agency that owns or operates sites on this list to enter into agreements governing the cleanup and laying out each party's responsibilities. In 2003 and 2004, EPA signed agreements covering five sites (see **Exhibit 21**). As of April 2005, all but 17 of these sites have such agreements in place. Getting agreements in place for cleanups at these remaining sites are a high priority for EPA in 2005 and 2006.

Exhibit 21
CERCLA Agreements at Federal Facilities

2003	U.S. Army, Corps of Engineers, Washington Aqueduct -- Washington, DC
2004	U.S. Navy, Norfolk Naval Shipyard -- Portsmouth, VA
	U.S. Navy, Little Creek Naval Amphibious Base -- Norfolk, VA
	U.S. Navy, St. Juliens Creek Annex -- Chesapeake, VA
	U.S. Department of Interior, Lee Acres Landfill & Superfund Site -- Farmington, NM

In addition to negotiating new agreements, EPA oversees cleanups being conducted under agreements signed in prior years. EPA aims to ensure that these cleanups are done timely and in ways that are protective of the environment and of public health.

Cleanup Advances at Hanford

The Department of Energy's Hanford site in Washington State is one of the most contaminated sites in the nation but cleanup is progressing with EPA's oversight. In the past, liquid waste had been disposed of adjacent to a tribal cemetery and prehistoric village sites at the Hanford site in Washington. In 2003, EPA worked with tribes and DOE on managing potentially contaminated human remains and other artifacts exhumed with the waste. EPA oversaw DOE's removal of 800 metric tons of spent nuclear fuel containing 20 million curies of radioactivity from leak-prone basins at the site and, at EPA's direction, DOE installed a pump and treat system to capture a radioactive groundwater plume discharging into the Columbia River to protect the river and spawning chinook salmon. In 2004, DOE completed a decade-long effort to remove spent nuclear fuel from Hanford's K Basins. Removal and treatment of highly radioactive residual sludge and removal of the contaminated basins and underlying contaminated soil remains to be done. DOE also completed the packaging of plutonium residues at the Plutonium Finishing Plant. Removal actions focused on decontamination and demolition of facilities are underway, both along the Columbia River and on the central plateau. Efforts to characterize and treat groundwater across the site also continue with EPA's oversight.

EPA-DOD Agreement on Land Use Controls

In 2004, EPA and Department of Defense (DOD) reached agreement, after a three-year dispute, to improve the Department's management flexibility over, and ensure EPA's oversight of, land use controls at military Superfund sites. These controls are necessary to ensure the environment and public health are protected by present and future uses of the sites, especially where hazardous substances remain in place at levels that prohibit unrestricted use of the property. For example, it may be best to "cap" a landfill rather than removing all its contents, but

provisions must be established and enforced to ensure the cap will not be breeched which would increase exposure and risk at the site. After extensive negotiations, EPA and the Navy, which provided leadership for all the military services, agreed on a set of management and oversight principles, including specifying land use controls in a site's Record of Decision (which documents the cleanup determination).

The Army and the Defense Logistics Agency later agreed to these same principles, while the Air Force, under the agreement, has pursued an alternative approach. As a result of this agreement, an increasing number of cleanup determinations have been approved by EPA and DOD, opening the way for new and proper remediation activities at locations across the nation. The EPA-military partnership continues, seeking new approaches to expedite decisions, improve cleanups, reduce paperwork and ensure EPA oversight at DOD sites.

VIII. ASSISTING FEDERAL FACILITIES TO OPERATE IN COMPLIANCE

In order to improve compliance with environmental laws and regulations, EPA gives various kinds of technical assistance to federal facilities to help them better understand the environmental laws and regulations that apply to them and help them operate in compliance with those laws and regulations. EPA headquarters and regional offices regularly offer workshops and seminars for federal facilities, operate various hotlines that offer advice, and visit federal facilities to give them assistance in operating in compliance and how to prevent pollution in the first place. Over the last several years, the federal facility sector has been a primary beneficiary of EPA assistance work.

EPA reaches out to federal agencies to assist them in complying with environmental laws and Executive Orders. In 2003 and 2004, EPA headquarters and Regions conducted workshops, courses and held conferences aimed at assisting federal facilities.

EPA staff also traveled to conferences organized by other agencies in order to better reach more federal employees. EPA's Region 2 (New York) crafted a special RCRA hazardous waste identification and management course just for staff at VA hospitals and traveled to a VA medical conference in Reno, Nevada to present it. EPA Region 1 (Boston) presented a two-day comprehensive environmental compliance course specifically for VA staff and managers in Boston in 2004. The course was videotaped so the VA could later broadcast it to other locations through its own satellite training system. Other EPA Regions provided training on Oil Pollution Act response plans, underground and above ground storage tank regulations, preventing pollution and reducing use of toxic chemicals.

IX. PARTNERSHIPS TO REACH COMMON GOALS

Given declining resources in many federal agencies to devote to environmental work, EPA and other agencies will increasingly have to join together to achieve common goals. States, which are also facing similar resource constraints, are also important partners–both for EPA and for regulated federal agencies.

Texas Environmental Partnership

The Texas Environmental Partnership (TXEP) is a partnership between the Texas Commission of Environmental Quality, EPA Region 6 (Dallas), U.S. Department of Defense, Texas Army National Guard, NASA-Johnson Space Center, U.S. Coast Guard, and U.S. Department of Energy in Texas. The partnership focuses on the full range of environmental issues in the region, and works to foster cooperation, information exchange, and innovation to solve environmental problems and promote environmental stewardship. In 2003, it initiated joint meetings with the Southwest Strategy, an executive level interagency partnership for Arizona and New Mexico state, federal, and tribal environmental and natural and cultural resources conservation agencies. The Texas Committee on Environmental Quality gave environmental management system training to TXEP members, and encouraged DoD installations to join the Clean Texas environmental leadership program which provides regulatory incentives to facilities with a performance-based EMS. The Partnership is a great forum for federal facilities to discuss issues with both EPA and state regulators.

Recognizing Advances in Federal Agencies

EPA Region 9 (San Francisco) began a Champions of Green Government award program in 2000 to honor federal facilities demonstrating significant environmental and human health improvements. Region 9 recognized 24 diverse and innovative projects in 2003 and 2004. Projects winning these awards involved energy efficient engines, photovoltaic solar and wind turbine power generation, recycling, green landscaping and energy efficient lighting. These projects helped save facilities millions of dollars and earn revenue from recycling, while diverting hundreds of tons of waste from landfills, reducing water consumption and decreasing emissions of carbon dioxide, nitrogen oxides and sulfur oxides.

EPA Region 10 (Seattle) began its Champions for Environmental Leadership and Green Government Innovation Awards in 2003 to highlight federal agency staff leadership that goes above and beyond compliance to protect human health and the environment, and promotes pollution prevention, sustainability, and EMSs. Seventeen recipients were given awards in 2003 and 2004. They were engaged in activities including: replacing batteries with fuel cells, eliminating hazardous waste, composting bio-solids, developing power conservation projects, environmentally sustainable construction projects, and preparing guides to help facilities procure environmentally friendly office and janitorial products.

X. INTEGRATED STRATEGIES TO FIX ENVIRONMENTAL PROBLEMS

Often the best approach to solving environmental problems is a combination of tools – an "integrated strategy." These strategies combine a full range of activities to improve environmental problems, including traditional technical assistance work, inspections and prosecuting enforcement actions as well as less traditional activities. EPA encourages federal agencies to prevent pollution and adopt environmental management systems to achieve or maintain compliance, and to institutionalize sound environmental stewardship policies and practices into their operations. Preventing pollution in the first instance minimizes the need for pollution controls or technical assistance but in some cases may take facilities out of regulatory regimes altogether.

This approach often requires EPA to participate in partnerships and cooperative efforts with other federal agencies. This fosters cooperation and understanding between agencies as they work jointly on practical and sustainable solutions to complex issues. It also enables the federal government to leverage valuable resources and expertise amongst its agencies.

FedCenter – the Environmental Stewardship and Compliance Center for the Federal Government

One important partnership is FedCenter, a stewardship and compliance assistance center created in 2004 just for federal facilities. Building on the Administration's emphasis on federal environmental "leadership by example" and improving management of federal programs, in 2003 EPA looked into ways to better meet the growing environmental stewardship and compliance assistance needs of over 32,000 federal facilities nationwide. The projected level of EPA compliance assistance was thought to be insufficient to meet the expanding demands of federal facilities, so EPA focused on combining resources with other federal organizations to get technical assistance to all agencies. In early 2004, EPA joined with the U.S. Army Corps of Engineers Construction and Engineering Research Laboratory to establish FedCenter (www.fedcenter.gov). EPA selected the Corps' laboratory because of its extensive history of assisting federal agencies with environmental requirements and its experience in providing similar web-based technical assistance to the military since the mid-1990s. Eventually, FedCenter will be supported and governed by many member agencies who will direct its future activities for their mutual benefit.

FedCenter's goal is to serve the varied needs of all federal agencies–and not just with compliance assistance, but with information on becoming better environmental stewards and going "beyond compliance." FedCenter will overcome common organizational obstacles faced by all government agencies–not being able to find good, useful information within the federal government. FedCenter collects the best technical materials available from throughout the federal government so all users can find and use it. Soon after opening in October 2004, FedCenter was receiving over 6,000 web visits per month. FedCenter will never be "done" but will grow to address new environmental issues. In early 2005 compliance assistance information offered by FedCenter was enhanced, augmented and redesigned to more effectively meet the needs of the federal community. FedCenter is rapidly becoming *the* address for comprehensive federal facility compliance assistance information.

Improving Compliance at VA Hospitals

EPA and the Veterans Health Administration (VA) established a partnership in 2002 to work together to improve environmental compliance at VA medical centers. Teams of EPA and VA staff conducted on-site reviews of environmental programs at various VA medical centers around the country. EPA and VA jointly funded these reviews. The medical centers were specifically selected to represent the different types of medical centers operated by the VA. The results of these reviews were consolidated and provided to the VA in a 2005 report. The report made recommendations for developing environmental management systems that should improve compliance throughout the nationwide VA medical center system.

With the help of information learned in part through conducting the reviews, the VA developed its own environmental management system in 2004 – the VA "Green Environmental Management System" or GEMS – which all 140 VA medical centers will implement by December 2005. GEMS incorporates two computer-based programs to ensure that facilities implement effective EMS programs and focus on compliance. While one program (E-Safe), evaluates how well the facility environmental program is managed, the other (CP-Track), provides a snapshot of environmental compliance with regulations promulgated at the national, state and local levels. In late 2004, EPA Region 2 (New York) and the VA negotiated an agreement under which the VA would perform compliance audits at most of its hospitals in New York State and New Jersey and disclose the results to Region 2. The agreement was finalized in December of 2004.

The VA recognized that environmental training was needed at the medical centers to improve compliance. The VA designed some of its own courses, worked with EPA to design some other courses and hired contractors to provide additional courses. It developed new compliance materials and posted them on the VA web site to help VA staff improve their knowledge of environmental requirements. Eighteen VA medical centers were awarded Energy Star awards for their achievements in conserving energy in 2003 and the VA joined the Hospitals for a Healthy Environment program–a voluntary pollution prevention program between EPA and non-governmental organizations–under which VA hospitals commit to reduce hazardous and toxic wastes, including mercury. Over four years, the VA will spend $32 million on improving its environmental and emergency management programs.

In 2004, EPA awarded a grant to the Hospitals for a Healthy Environmental program to develop a guide which incorporates environmental compliance and pollution prevention into the Environment of Care standards of the Joint Committee on the Accreditation of Health Care Organizations (JCAHO). JCAHO accredits hospitals to these standards and it can encourage significant changes since JCAHO accreditation is necessary for hospitals to receive Medicare funding.

Throughout the partnership, EPA has continued to exercise its regulatory and enforcement role by conducting inspections at various VA facilities and taking enforcement actions when violations are found. By working together EPA and the VA are making more progress at improving compliance at VA medical centers across the country than either could have done independently.

Integrating Technical Assistance and Enforcement to Improve Drinking Water, Ft. Drum, New York

In January 2003, EPA Region 2 (New York) sought information from the U.S. Army's Fort Drum base regarding the Fort's compliance status with a new drinking water regulation–the Stage 1 Disinfectants and Disinfection By-products Rule. Disinfectants are used to control microorganisms but they react with organic and inorganic matter to form by-products. The new rule set limits on exposure to by-products that have been shown to cause cancer and may cause reproductive problems. Region 2 determined that the Fort was not aware of its new responsibilities under the rule and had not been complying with its monitoring requirements. EPA staff spent hours on the phone with Fort personnel explaining the requirements, assisting them in developing a monitoring plan, and discussing strategies to lower the Fort's disinfection by-product levels. Region 2 also issued an Administrative Order in March 2003 putting the Fort on an enforceable schedule for conducting the required sampling and reporting. Since the initiation of this strategy combining both technical assistance and enforcement of the rule, the Fort has been monitoring its drinking water system, its disinfection by-products levels have gone down and it is in compliance with the rule. Army staff continue to contact Region 2 periodically for technical assistance. EPA's work has helped increase public health protection to 15,000 persons at Fort Drum.

APPENDIX
STATE OF FEDERAL FACILITIES, FY 2003 AND FY 2004

Sources and Suitability of Environmental Information

The information contained in this report is drawn from EPA's Integrated Database for Enforcement Analysis (IDEA). IDEA is EPA's main information management system that draws upon several program specific databases compiled and maintained by various EPA environmental program offices, including the Office of Air, the Office of Water and the Office of Solid Waste. These offices have primary responsibility for compiling and maintaining data pertaining to EPA and state enforcement and compliance activities. These databases include:

- RCRAInfo: Allows cradle-to-grave waste tracking of many types of information about the regulated universe of RCRA hazardous waste handlers.
- PCS: The Permit Compliance System tracks EPA regional and state compliance and enforcement data for the NPDES program under the CWA.
- AIRS/AFS: The Aerometric Information Retrieval System/AIRS Facility Subsystem manages aerometric compliance data on point sources tracked by EPA, state, and local governments in accordance with the CAA.
- SDWIS: The Safe Drinking Water Information System is a national database that tracks public water supply system compliance and enforcement data collected by EPA Regions and states under the PWSS program of the SDWA.

The IDEA system is operated by EPA's Office of Enforcement and Compliance Assurance and integrates facility data from these disparate program specific databases. Since the purpose of this report is to provide an overview of federal facility compliance and performance information and a description of the federal facility universe, the IDEA data system provides the most practicable and suitable source of information to meet this goal. Limitations on the use and interpretation of this data are detailed in the specific chapters of this report.

Exhibit A-1
RCRA Inspections and Enforcement Actions at Federal Facilities

	Inspections	
	FY 2003	**FY 2004**
Universe of RCRA Handlers	***5,462***	***5,634***
By Agency Lead		
EPA-Lead	86 (14.0%)	127 (17.9%)
State-Lead	527 (86.0%)	584 (82.1%)
By Agency Category		
DOD	372 (60.7%)	438 (61.6%)
CFA	162 (26.4%)	181 (25.5%)
DOE	64 (10.4%)	78 (11.0%)
Unidentified	15 (2.4%)	14 (2.0%)
Total	**613**	**711**

	Formal and Informal Enforcement Actions	
	FY 2003	**FY 2004**
By Agency Lead		
EPA-Lead	13 (7.2%)	25 (13.0%)
State-Lead	168 (92.8%)	167 (87.0%)
By Agency Category		
DOD	118 (65.2%)	110 (57.3%)
CFA	43 (23.8%)	49 (25.5%)
DOE	20 (11.0%)	33 (17.2%)
Total	**181**	**192**

Source: IDEA – 2/20/04 and 1/7/05

Exhibit A-2
RCRA Inspections by Facility Type

	Inspections	
	FY 2003	**FY 2004**
TSDFs		
Universe of TSDFs	*228*	*232*
DOD	200 (36.4%)	256 (38.3%)
CFA	10 (1.8%)	20 (3.0%)
DOE	58 (10.6%)	68 (10.2%)
Unidentified*	--	--
LQGs		
Universe of LQGs	*560*	*622*
DOD	89 (16.2%)	106 (15.8%)
CFA	33 (6.0%)	41 (6.1%)
DOE	2 (0.4%)	3 (0.4%)
Unidentified*	4 (0.7%)	4 (0.6%)
SQGs		
Universe of SQGs	*4,586*	*4,685*
DOD	49 (8.9%)	60 (9.0%)
CFA	95 (17.3%)	99 (14.8%)
DOE	3 (0.5%)	3 (0.4%)
Unidentified*	6 (1.1%)	9 (1.3%)
Total**	**549**	**669**

Source: IDEA – 2/20/04 and 1/7/05

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a federal agency, however, they have been flagged as federal.

** Totals do not include inspections conducted at CESQGs, transporters, or non-notifiers.

Exhibit A-3
CWA/NPDES Inspections and Enforcement Actions at Major Federal Facilities

	Inspections	
	FY 2003	**FY 2004**
Universe of Majors	*100*	*92*
By Agency Lead		
EPA-Lead	16 (10.8%)	12 (11.3%)
State-Lead	132 (89.2%)	94 (88.7%)
By Agency Category		
DOD	106 (71.6%)	84 (79.2%)
CFA	17 (11.5%)	14 (13.2%)
DOE	14 (9.5%)	8 (7.5%)
Unidentified	11 (7.4%)	--
Total	**148**	**106**

	Formal and Informal Enforcement Actions	
	FY 2003	**FY 2004**
By Agency Lead		
EPA-Lead	5 (9.3%)	2 (5.6%)
State-Lead	49 (90.7%)	34 (94.4%)
By Agency Category		
DOD	44 (81.5%)	31 (86.1%)
CFA	4 (7.4%)	1 (2.8%)
DOE	6 (11.1%)	4 (11.1%)
Total	**54**	**36**

Source: IDEA – 2/19/04 and 2/2/05

Exhibit A-4
CAA Inspections and Enforcement Actions at Major Federal Facilities

Inspections

	FY 2003	FY 2004
Universe of Majors	***554***	***553***
By Agency Lead		
EPA-Lead	10 (2.1%)	16 (3.0%)
State-Lead	459 (97.9%)	517 (97.0%)
By Agency Category		
DOD	295 (62.9%)	349 (65.5%)
CFA	137 (29.2%)	147 (27.6%)
DOE	29 (6.2%)	34 (6.4%)
Unidentified	8 (1.7%)	3 (0.6%)
Total	**469**	**533**

Formal and Informal Enforcement Actions

	FY 2003	FY 2004
By Agency Lead		
EPA-Lead	9 (8.3%)	3 (3.2%)
State-Lead	100 (91.7%)	91 (96.8%)
By Agency Category		
DOD	67 (61.5%)	62 (66.0%)
CFA	36 (33.0%)	28 (29.8%)
DOE	5 (4.6%)	4 (4.3%)
Unidentified	1 (0.9%)	--
Total	**109**	**94**

Source: IDEA – 2/19/04 and 2/5/05

Exhibit A-5
SDWA/PWSS Formal and Informal Enforcement Actions at Federal Facilities

Enforcement Lead	Actions in FY 2003	Actions in FY 2004
Universe of Systems	*4,057*	*3,833*
EPA-Lead	1 (%)	3 (%)
State-Lead	33 (%)	15 (%)
TOTAL	34	18

Source: SDWIS – 3/4/04 and 3/21/05

Exhibit A-6
FY 2003 Multi-Media Inspections at Federal Facilities

Region 1				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Department of Veterans Affairs, VA Medical Center, Manchester, NH	5/6/03 - 5/8/03	CAA, CWA, RCRA,	No	EPA
U.S. Department of Veterans Affairs, VA Medical Center, White River Junction, VT	6/19/03 - 6/20/03	CAA, CWA, RCRA	No	EPA
U.S. Department of Interior National Park Service Cape Cod National Seashore, Wellfleet, MA	10/7/02 & 10/28/02	CAA, CWA, RCRA and RCRA USTs	No	EPA
U.S. Army Soldiers Systems Center, Natick, MA	12/10/02	CAA, CWA, EPCRA, TSCA	No	EPA
U.S. Air Force Hanscom Air Force Base, Bedford, MA	9/3/03 - 9/5/03	CAA, CWA, EPCRA, RCRA, TSCA	No	EPA
Region 2				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Department of Homeland Security Plum Island Animal Disease Center, Orient Point, NY	12/11/02	RCRA, CWA, EPCRA, SDWA, FIFRA	No	EPA
Region 3				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
NASA, Langley, VA	11/04/03 - 11/08/03	CAA, EPCRA, FIFRA, RCRA, NPDES	Yes	EPA
Classified Facility	7/23/03	CWA, CAA, RCRA	Yes	EPA
Region 4				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Department of Energy, Oak Ridge National Laboratory, Oak Ridge, TN	6/24/03 to 6/27/03	CAA, CWA, SDWA, RCRA, EPCRA	Yes	EPA
U.S. Air Force Plant No. 6, Marietta, GA	4/21/03 to 4/25/03	CAA, CWA, RCRA, TSCA, EPCRA	Yes	EPA
Region 5				
None Reported				

Region 6				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Air Force Sheppard Air Force Base, Witchita Falls, Texas	8/12/03 - 8/14/03	RCRA, CAA, CWA, TSCA	Yes	EPA
Region 7				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Air Force, Nebraska Air National Guard, Lincoln, NE	10/8/02 & 1/8/03	RCRA, CAA	No	EPA
Region 8				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Air Force, Hill Air Force Base, Ogden, UT	10/21/02	RCRA, CAA	No	EPA
U.S. Air Force, Minot Air Force Base, Minot, North Dakota	9/8/03 & 9/22/03	RCRA, TSCA	No	EPA
Region 9				
None Reported				
Region 10				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S Army, Fort Lewis	1/28/03 & 3/11/03	CAA, CWA	No	EPA
U.S. Department of Veterans Affairs Puget Sound Health Care Hospital, Seattle, WA	4/1/03	CAA, CWA	No	EPA

Source: Manual Reports from Regions to FFEO

Exhibit A-7
FY 2004 Multi-Media Inspections at Federal Facilities

Region 1				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Department of Veterans Affairs, VA Medical Center, Northampton, MA	9/22/04 - 9/23/04	CWA, EPCRA, TSCA,	No	EPA
U.S. Department of Homeland Security, U.S. Coast Guard Academy, New London, CT	3/2/04 - 3/3/04	CAA, CWA, RCRA, TSCA	Yes	EPA
U.S. Navy, Portsmouth Naval Shipyard, Portsmouth, NH	5/5/04 - 5/6/04	CWA, EPCRA, TSCA	No	EPA
U.S. Navy, Naval Submarine Base, New London, CT	3/4/04 - 3/5/04	CWA RCRA, TSCA	Yes	EPA
Region 2				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Army, Picatinny Arsenal, Morris City, NJ	3/15/04	RCRA, CAA, CWA, EPCRA, FIFRA, TSCA, SDWA,[10]	No	EPA
U.S. Department of Justice, Federal Correctional Institution, Fairton, NJ	3/2/04	RCRA, CWA, CAA, EPCRA, TSCA[10]	No	EPA
U.S. Department of Justice, Federal Correctional Institution, Otis, NJ	8/30/04	RCRA, CAA, CWA, SDWA, EPCRA[10]	No	EPA
Region 3				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Postal Service, Vehicle Maintenance Facility, Baltimore, MD	11/18/03	RCRA,, CWA,	Yes	EPA
U.S. Postal Service, Vehicle Maintenance Facility, Philadelphia, PA	12/2/03	RCRA, CWA, CAA, TSCA, FIFRA	Yes	EPA
U.S. Department of the Treasury, Bureau of Printing and Engraving, Washington, DC	1/13/04	RCRA, CWA, CAA, TSCA, EPCRA	Yes	EPA
U.S. Department of Veterans Affairs, VA Medical Center, Philadelphia, PA	2/3/04	RCRA, CWA, CAA, TSCA, EPCRA	Yes	EPA
U.S. Department of Veterans Affairs, Perry Point Medical Center, Perryville, MD	3/29/04	RCRA, CWA, TSCA	No	EPA

[10] Edited after regional certification.

Facility	Date	Media or Statutory Program Investigated	State Participation?	Lead Agency
U.S. Air Force, Dover Air Force Base, Dover, DE	4/12/04	RCRA, CWA, CAA, TSCA, EPCRA, FIFRA	Yes	EPA
U.S. Navy Indian Head Naval Surface Warfare Center, Indian Head, MD	5/3/04 - 5/7/04	RCRA, CWA, CAA, TSCA, EPCRA	Yes	EPA
U.S. Navy, Ordinance Disposal Technology Division, Indian Head, MD	5/6/04	RCRA, CWA	No	EPA
U.S. Department of Interior, National Park Service, Shenandoah National Park, Luray, VA	8/17/04	RCRA, CWA, TSCA	Yes	EPA
U.S. Department of Justice, Unicor Federal Prison, Lewisburg, PA	7/12/04	RCRA, CWA	Yes	EPA
Classified Federal Facility	7/12/04	CAA, RCRA	Yes	EPA
Classified Federal Facility	7/12/04	CAA, RCRA	Yes	EPA
Region 4				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Army, Hunter Army Airfield, Savannah, GA	3/22/04 - 3/24/04	CAA, CWA, SDWA, RCRA, EPCRA, TSCA	Yes	EPA
U.S. Department of Energy, Savannah River Site, Aiken, SC	6/28/04 - 7/2/04	CAA, CWA, SDWA, RCRA, TSCA, EPCRA	Yes	EPA
Region 5				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Department of Veterans Affairs, Zablocki Medical Center, Milwaukee, WI	8/31/2004	RCRA, CAA	No	EPA
Region 6				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Food and Drug Administration, National Center for Toxicological Research, Jefferson, AR	12/09/2003	RCRA, CAA	Yes	AR
U.S. Air Force, Air Force Plant No. 4, Fort Worth, TX	8/23/2004	RCRA, CAA	Yes	EPA

Region 7				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Army, Lake City Army Ammunition Plant, Independence, MO	10/31/2003 & 11/4/2003	RCRA, CWA, CAA	No	EPA
U.S. Department of Agriculture, U.S. Meat Animal Research Center, Clay Center, NE	11/18/03 & 1/29/04	RCRA, CWA, CAA	No	EPA
U.S. Air Force, Iowa Air National Guard, Des Moines, IA[11]	8/24/04	RCRA, CWA	No	EPA
Region 8				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Air Force, Air Force Academy, Colorado Springs, CO	6/18/2004	SDWA, CWA, [12]	No	EPA
U.S. Army, Fort Carson, Pueblo Springs, CO	6/17/2004	SDWA, CWA, RCRA	No	EPA
Region 9				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Department of Energy, Lawrence Livermore National Laboratory, Livermore, CA	11/3/2003 - 11/7/2003	RCRA, CAA, EPCRA, CWA	Yes	EPA
Region 10				
Facility	**Date**	**Media or Statutory Program Investigated**	**State Participation?**	**Lead Agency**
U.S. Air Force, Clear Air Force Station, Clear, AK	6/15/04 - 6/17/04	RCRA, CAA, TSCA, CWA, FIFRA, EPCRA, SDWA	Yes	EPA
U.S. Air Force, Elmendorf Air Force Base Anchorage, AK	6/21/2004 - 6/24/2004	RCRA, CAA, TSCA, CWA, FIFRA, EPCRA, SDWA	Yes	EPA

Source: Regional Workbooks provided by EPA's OC

[11] Source of information for the Iowa Air National Guard multi-media inspection in Region 7 is derived from manually reported data after regional certification.

[12] Edited per regional request after regional certification.

Exhibit A-8
Interagency Agreements and Formal Enforcement Actions for FY 2003

Summary:

EPA Administrative Compliance Orders (ACOs) at Federal Faclities: **12**

EPA Final Administrative Penalty Orders (FAPOs): **14**

Final Administrative Penalties: **$920,350**

EPA Administrative Penalty Complaints (APCs): **5**

Proposed Penalties: **$155,815**

Value of Injunctive Relief (Total Compliance Action Costs): **$104,473,360**[13]

Value of Supplemental Environmental Projects (SEPs): **$1,803, 815**

Cases with SEPs: **3**

Referrals to DOJ: **2**

Enforcement Action Type	Laws, Sections - All	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 1		
Administrative Penalty Complaints	TSCA § 16 - Action for Penalty	• 01-2003-0103, Department of Veterans Affairs, Northampton VA Medical Center - Leeds, MA ($17,600 - proposed penalty) • 01-2003-0104, Department of Veterans Affairs, Togus VA Medical Center - Togus, ME ($22,300 - proposed penalty) • 01-2003-0105, Department of Veterans Affairs, Bedford VA Medical Center - Bedford, MA ($17,600 - proposed penalty)

[13] The compliance action costs estimated in the Washington Aqueduct case were $70 million, approximately 67% of the total.

Enforcement Action Type	Laws, Sections - All	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 2		
Administrative Compliance Orders	CAA § 113(a) Administrative Compliance Order (Non-Penalty)	• 02-2003-1014, A.T., Incorporated (**GOCO**) - Fort Dix, NJ and Mount Vernon, NY ($100 CAC) • 02-2003-1027, U.S. Navy, Navy Public Works Center - Norfolk (Philadelphia Detachment), New Jersey ($100 CAC)
	SDWA § 1414(g)(2) AO for Compliance	• 02-2003-8084, U.S. Army, Preventative Medicine Services - Fort Drum, NY ($5,000 CAC)
Region 3		
Administrative Compliance Order	CWA § 301/402 Federal Facility Agreements	• 03-2003-0136, U.S. Army, Corps of Engineers, Washington Aqueduct - Washington, DC ($70,000,000 CAC)
Final Administrative Penalty Order	CAA § 113(d)(1) Action for Penalty	• 03-2003-0330, U.S. General Services Administration - Washington, DC ($1,000 penalty)
Region 4		
Final Administrative Penalty Orders	RCRA § 9006 AO for Compliance and/or Penalty (UTSs)	• 04-2002-0002, U.S. Army; Fort Bragg Military Installation - Fort Bragg, NC ($29,137 penalty) • 04-2002-0003, U.S. Army, Fort Gordon Military Installation - Fort Gordon, GA ($11,000 penalty, $5,000 CAC) • 04-2001-9087, U.S. Marine Corps Air Station - Cherry Point, NC ($10,902 penalty) • 04-2003-0004, Centers for Disease Control and Prevention - Atlanta, GA ($5,000 penalty, $5,000 CAC)
	CAA § 113(d)(1) Action for Penalty	• 04-2002-1515, U.S. Department of Transportation, Maritime Administration - Wilmington, NC ($37,083 penalty)
	CWA § 301/402 Final Order with Penalty	• 04-2002-4541, Westinghouse Savannah River Company, LLC (**GOCO**) - Aiken, SC ($50,000 penalty)
Administrative Compliance Orders	CAA § 113(a) Administrative Compliance Order (Non-Penalty)	• 04-2003-1754, U.S. Army, Mississippi National Guard - Camp Shelby, MS
	CWA § 309(a) AO for Compliance	• 04-2002-5771, U.S. Department of Interior/National Park Service, Big Cypress National Preserve - Copeland, FL ($1,920,000 CAC)
Administrative Penalty Complaint	RCRA § 9006 AO for Compliance and/or Penalty (USTs)	• 04-2003-0002, U.S. Department of Transportation, Federal Aviation Administration - Hampton, GA ($71,624 - proposed penalty)

Enforcement Action Type	Laws, Sections - All	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 5		
Administrative Compliance Orders	CERCLA § 122/104(a) Agreement for RIFS	• 05-2003-0410, U.S. Department of the Interior, Crab Orchard National Wildlife Refuge/Sangamo Electronic Dump - Marion, IL ($8,000,000 CAC)
Region 6		
Final Administrative Penalty Orders	RCRA § 3008A AO for Compliance and/or Enforcement	• 06-2003-0904, U.S. Department of Transportation, FAA, Mike Monroney Aeronautical Center Enforcement - Oklahoma City, OK ($67,210 penalty, $100,000 CAC)
Region 7		
Administrative Compliance Orders	CAA § 113(a) Administrative Compliance Order (Non-Penalty)	• 07-2003-0129, U.S. Army, Combined Arms Center - Ft. Leavenworth, KS ($25,000 CAC)
Region 8		
Administrative Compliance Order	SDWA § 1431 AO for Imminent Hazard	• 08-2003-0008, U.S. Air Force, Francis E. Warren AFB - Cheyenne, WY ($1,100,000 CAC)
Final Administrative Penalty Order	RCRA § 9006 AO for Compliance and/or Penalty (USTs)	• 08-2003-0070, U.S. Department of Interior, Bureau of Indian Affairs, Ft. Yates Law Enforcement Facility - Fort Yates, ND ($16,943 penalty and $26,000 SEP)
Administrative Penalty Complaint	SDWA §1423 (c)(1) Administrative Order for Penalty	• 08-2003-0137, U.S. Department of Interior, Bureau of Indian Affairs, Pine Ridge Road Shop/Kyle Road Shop Facilities - Pine Ridge, SD ($26,691 - proposed penalty)
Region 9		
Final Administrative Penalty Order	RCRA § 9006 AO for Compliance and/or Penalty (USTs)	• 09-2003-0063, U.S. Postal Service - Waikiki Post Office - Honolulu, HI ($600 penalty) • 09-2003-0065, U.S. Navy, Pacific Missile Range - Kekaha, HI ($300 penalty) • 09-2003-0066, U.S. Department of Energy, Sandia National Laboratories - Waimea, HI ($50 penalty)
	RCRA § 3008A AO for Compliance and/or Penalty	• 09-2003-0123, U.S. Army, JACADS - Johnston Atoll, AP ($91,125 penalty and $182,500 SEP)

Enforcement Action Type	Laws, Sections - All	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 10		
Administrative Compliance Order	CERCLA § 106 AO for Response Action/Imminent Hazard	• 10-2003-0011, U.S. Department of Agriculture, Forest Service, Fremont National Forest -Lakeview, Oregon ($7,800,000 CAC)
	TSCA § 16 - Action for Penalty	• 10-2003-0051, U.S. Air Force, 6 Radar Stations[14] - Alaska ($160 CAC)
	CAA § 113(a) Administrative Compliance Order (Non-Penalty)	• 10-2003-0153 (Compliance Agreement), U.S. Army, Fort Wainwright, Alaska ($15,500,000 CAC)
Final Administrative Penalty Order	CAA § 113(d)(1) Action for Penalty	• 10-1999-0121 (Penalty Order), U.S. Army, Fort Richardson and Fort Wainwright, Alaska ($600,000 penalty and $1,595,315 SEP, and $13,000 CAC)

Source: ICIS 12/8/2003

Referrals to the U.S. Department of Justice

Region 4	
CAA § 165, 185(E)(A)	04-2003-9020, Tennessee Valley Authority (TVA), 8 Fossil Fuel Power Plant Facilities[15]
RCRA § 3002, 3004, 3005	04-2003-9001, Lockheed Martin Corp (Paducah Gaseous Diffusion Plant), Paducah, KY

[14] This action includes the following six U.S. Air Force radar stations across Alaska: Tin City Long Range Radar Station, Wales, AK; Barter Island Long Range Radar Station, Kaktovik, AK; Cape Lisburne Long Range Radar Site, Fairbanks, AK; Point Barrow Long Range Radar Site, Barrow, AK; Oliktok Long Range Radar Site, Prudhoe Bay, AK; Cape Newenharn Long Range Radar Site, Platinum, AK.

[15] Case: 04-2003-9020 enforcement action initiated against 8 TVA Coal-fired power plants across Region IV including: Bull Run Fossil Plant, Clinton,TN; Allen Fossil Plant, Memphis,TN; Shawnee Fossil Plant, West Paducah, KY; Colbert Fossil Plant, Tuscumbia, AL; Cumberland Power Plant, Cumberland City, TN; John Sevier Fossil Plant, Rogersville, TN; Kingston Fossil Plant, Harriman,TN; Paradise Fossil Fuel Plant, Drakesboro, KY. Federal court action taken to determine, *inter alia*, questions of jurisdiction and scope of authority.

Exhibit A-9
Interagency Agreements and Formal Enforcement Actions FY 2004

Summary:

EPA Administrative Compliance Orders (ACOs) at Federal Facilities**: 13**

EPA Final Administrative Penalty Orders (FAPOs): **9**

Final Administrative Penalties: **$136,548**

EPA Administrative Penalty Complaints (APCs): **1**

Proposed Penalties: **$194,500**

Value of Injunctive Relief (Total Compliance Action Cost): **$2,874,925**[16]

Value of Supplemental Environmental Projects (SEPs): **$119,481**

Cases with SEPs - **3**

Enforcement Action Type	Laws, Sections - Type	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 1		
Final Administrative Penalty Orders	TSCA §16 - Action for Penalty	• 01-2003-0103, Department of Veterans Affairs, Northampton VA Medical Center - Leeds, MA ($3,080 penalty, $39,827 SEP, and $2,000 CAC) • 01-2003-0104, Department of Veterans Affairs, Togus VA Medical Center - Togus, ME ($3,908 penalty, $39,827 SEP, and $2,000 CAC) • 01-2003-0105, Department of Veterans Affairs, Bedford VA Medical Center - Bedford, MA ($3,080 penalty, $39,827 SEP and $2,000 CAC)
Administrative Compliance Orders	CAA §113(a) - Administrative Compliance Order (Non-Penalty)	• 01-2004-1000, U.S. Air Force, Hanscom AFB - Bedford, MA ($4,000 CAC)
Administrative Penalty Complaints	CAA §113(d)(1) - Action for Penalty	• 01-2004-1006, U.S. Army National Guard, Maine National Guard - Limestone, ME ($194,500 proposed penalty)

[16] The estimated compliance action costs for the Fort Yates case were $2.8 million, approximately 97% of the total.

Enforcement Action Type	Laws, Sections - Type	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 2		
Administrative Compliance Orders	SDWA §1412(g)(2) - AO for Compliance	• 02-2004-8024, U.S. Army, Fort. Dix, Fort Dix, NJ ($10,000 CAC) • 02-2004-8031, U.S. Army Fort Drum, Fort Drum, NY ($20,000 CAC)
Region 3		
Final Administrative Penalty Orders	RCRA §9006 AO for Compliance and/or Penalty (USTs)	• 03-2003-0291, Defense Logistics Agency, U.S. Defense National Stockpile Center - Point Pleasant, WV ($300 penalty, $300 CAC)
Administrative Compliance Orders	CERCLA §120(e) - Federal Facility Agreements	• 03-2004-0303, U.S. Navy, Norfolk Naval Shipyard - Portsmouth, VA • 03-2003-0180, U.S. Navy, Little Creek Naval Amphibious Base - Norfolk, VA • 03-2004-0195, U.S. Navy, St. Juliens Creek Annex - Chesapeake, VA
	RCRA §7003 AO for Imminent Hazard	• 03-2004-0201, NASA GSFC Wallops Flight Facility - Wallops Island, VA ($20,000 CAC)
	SDWA §1414(g)(2) AO for Compliance	• 03-2004-0154, U.S. Marine Corps, Quantico Marine Mainside - Quantico, VA ($3,000 CAC)
Region 4		
Final Administrative Penalty Orders	RCRA §9006 AO for Compliance and/or Penalty (USTs)	• 04-2003-0002, U.S. Department of Transportation, Federal Aviation Administration - Hampton, GA ($33,100 penalty, $1,000 CAC)
Administrative Compliance Orders	CAA §114 Information Request	• 04-2004-1761, U.S. Army, Fort Knox - Fort Knox, KY
Region 8		
Final Administrative Penalty Orders	RCRA §3008A AO for Compliance and/or Enforcement	• 08-2004-0126, U.S. Department of Interior, Bureau of Indian Affairs, Blackfeet Agency - Browning, MT ($34,381 penalty)
Administrative Compliance Orders	SDWA §1431 AO for Imminent Hazard	• 08-2004-0022, U.S. Department of Interior, Bureau of Reclamation, Ft. Yates Water System - Fort Yates, ND ($2,800,140 CAC)
	SDWA §1414(g)(2) AO for Compliance	• 08-2004-0013, U.S. Department Agriculture, Forest Service, Bighorn National Forest, Burgess Ranger Station - Sheridan, WY ($195 CAC) • 08-2004-0003, U.S. Department of Interior, Bureau of Reclamation, Four Bears Water Treatment Plant - New Town, ND ($990 CAC)

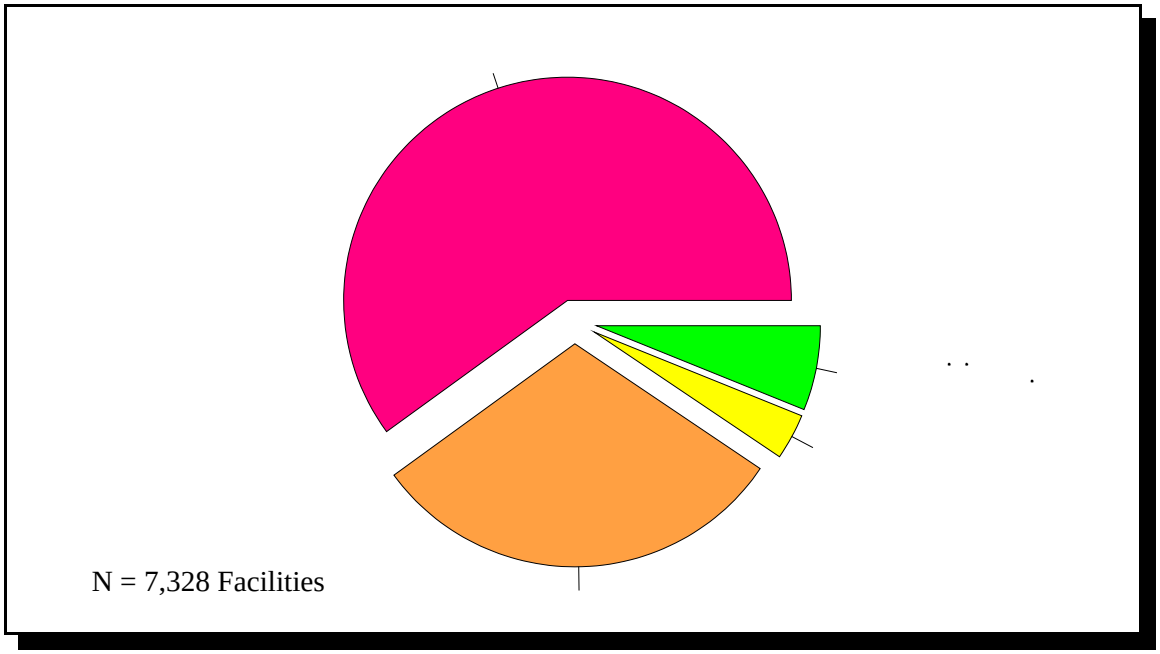
Enforcement Action Type	Laws, Sections - Type	Case Number, Defendant, Location, Penalty, SEP Amount and Compliance Action Cost (CAC)
Region 9		
Final Administrative Penalty Orders	RCRA § 9006 AO for Compliance and/or Penalty (USTs)	• 09-2004-0255, U.S. Navy, Pearl Harbor Naval Station, Pearl Harbor, HI ($150 penalty and $300 CAC)
	RCRA §3008A AO for Compliance and/or Penalty	• 09-2004-0272, U.S. Army, Johnson Atoll Chemical Agent Disposal Service (JACADS) - Johnston Atoll, AP ($51,699 penalty)
Administrative Compliance Orders	SDWA §1414(g)(2) AO for Compliance	• 09-2004-0137, U.S. Marine Corps, Camp Pendleton-North - Camp Pendleton, CA ($5,000 CAC)
Region 10		
Final Administrative Penalty Orders	CWA § 301 and 402	• 10-2004-0064, Rockford Corporation (GOCO) at Naval Air Station Whidbey Island, Oak Harbor, WA ($6,850 penalty and $4,000 CAC)

Data Source: Integrated Compliance Information System as of 2/9/2005

CWA NOVs and NONs at Federal Facilities

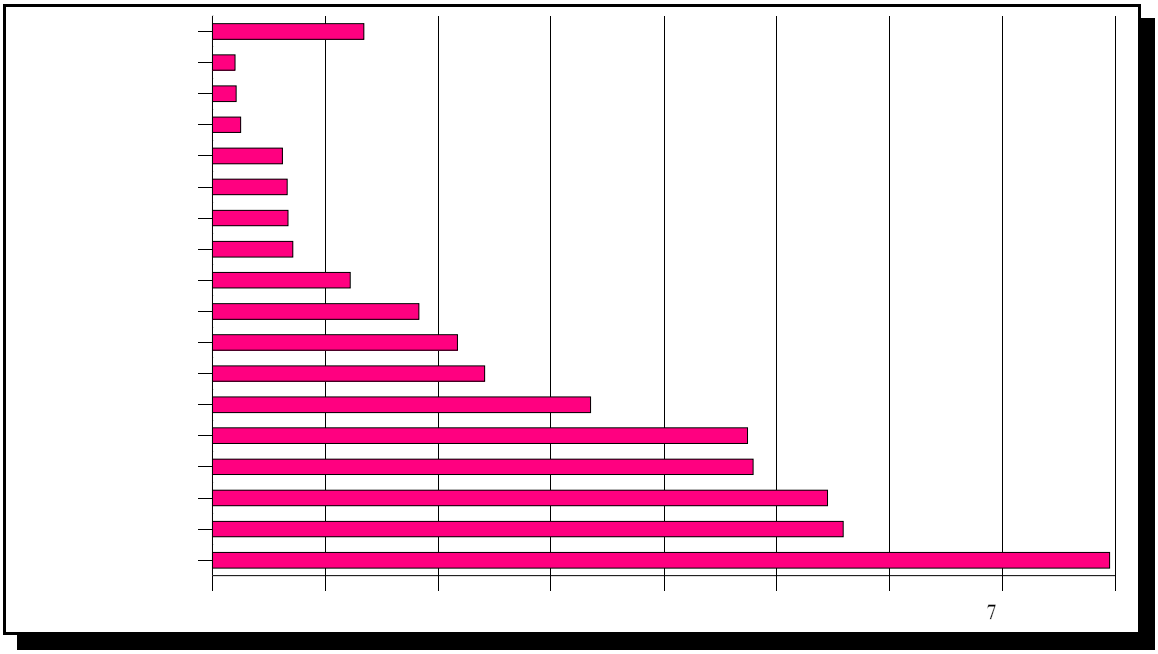
Statute	Type of Action	Parent Agency and Facility Cited	Location	Date
Region 2				
CWA	Notice of Violation	U.S. Army, Picatinny Arsenal	Picatinny Arsenal, NJ	6/3/04
Region 8				
CWA	Notice of Violation	U.S. Department of Interior, Bureau of Indian Affairs, Blackfeet Indian Reservation	Browning, MT	6/2/04
Region 9				
CWA	Notice of Violation	U.S. Department of Interior, Bureau of Indian Affairs, Keams Canyon Sewage Lagoon	Keams Canyon, AZ	9/20/04
Region 10				
CWA	Notice of Noncompliance	U.S. Navy, Naval Air Station Whidbey	Oak Harbor, WA	4/12/04

Exhibit A-10
Federal Facilities by Agency Category (FY 2004)



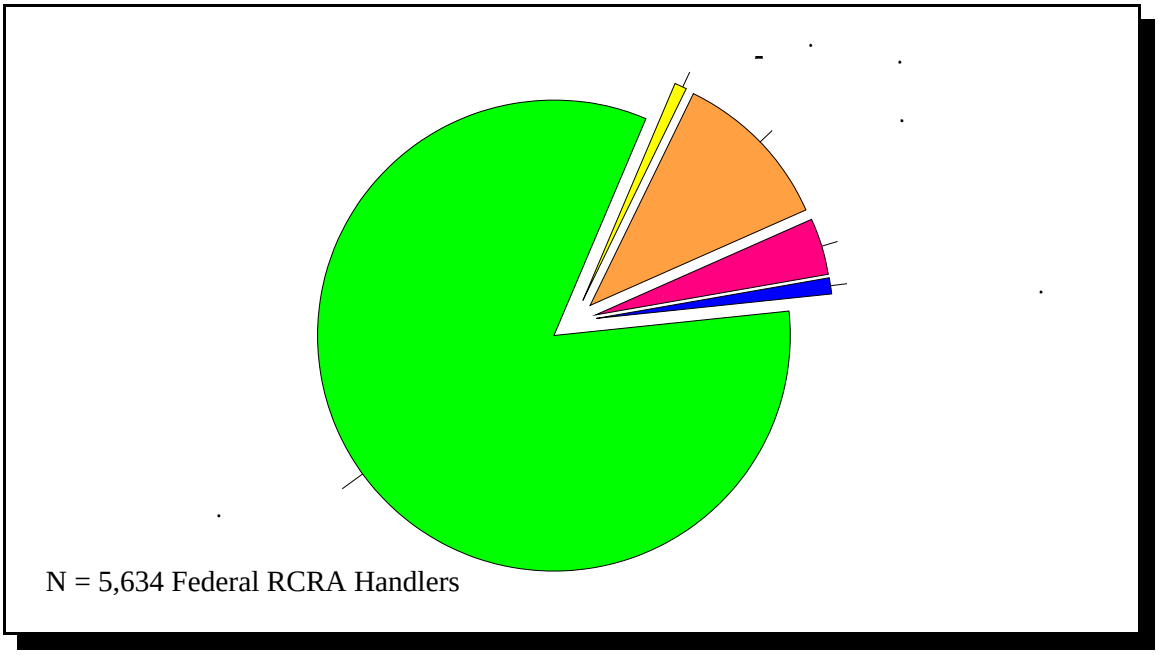
Source: FRS – 4/25/05

Exhibit A-11
Distribution of CFA Facilities by Agency (FY 2004)



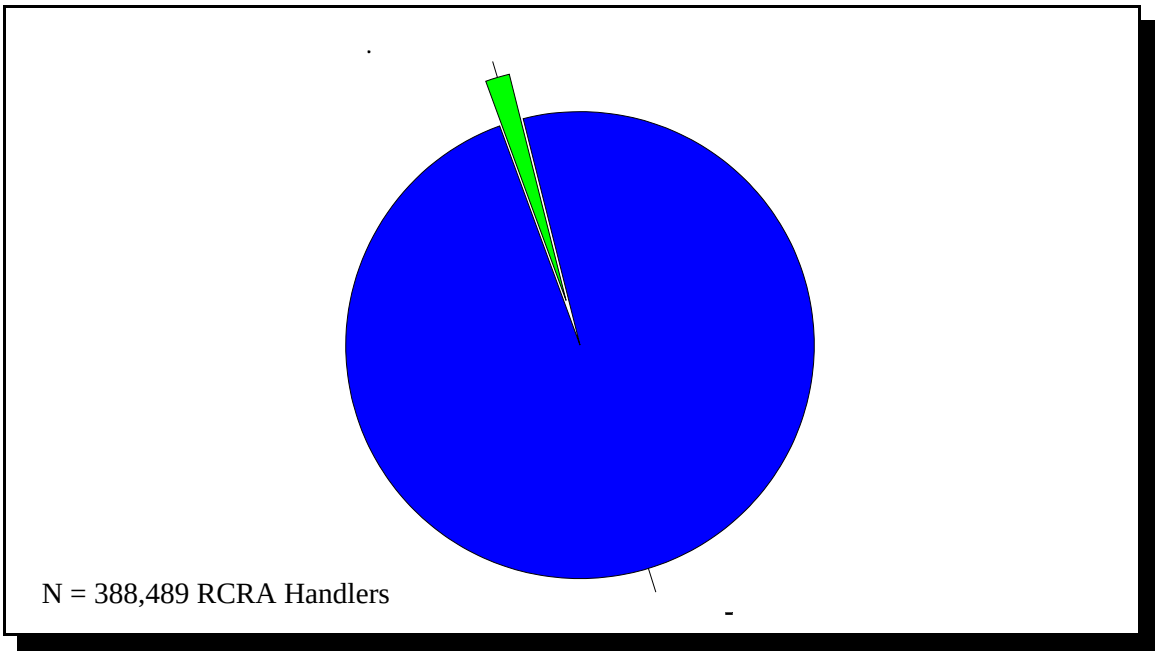
Source: FRS – 4/25/05

Exhibit A-12
Universe of Federal RCRA Handlers (FY 2004)



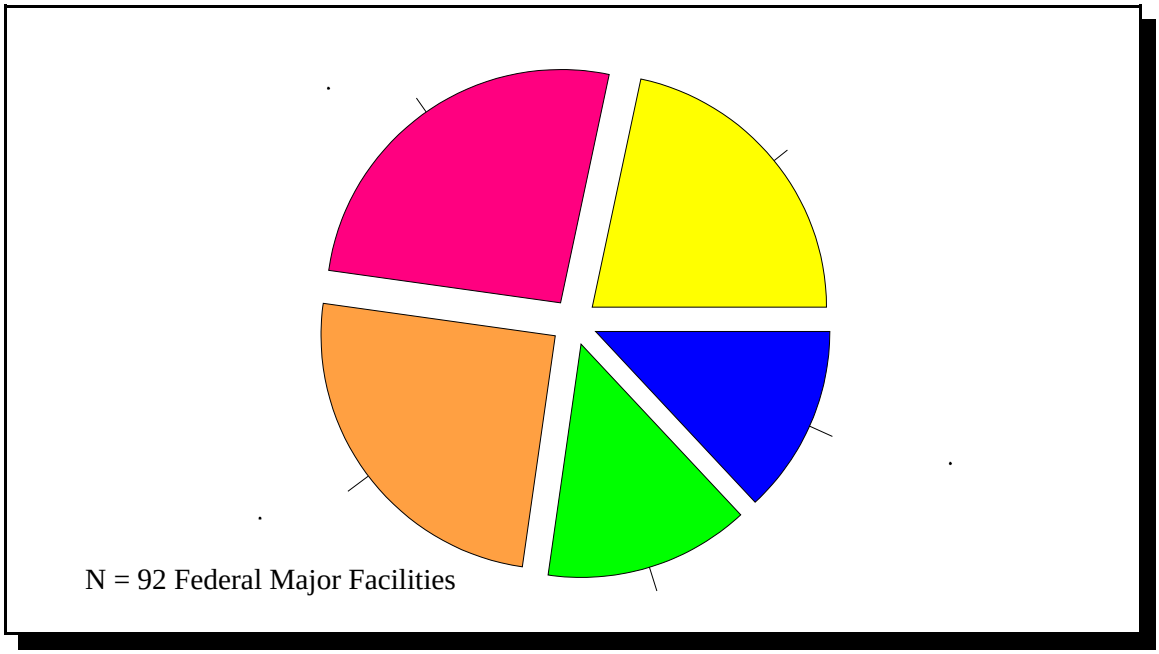
Source: IDEA – 1/7/05

Exhibit A-13
Federal vs Non-Federal RCRA Handlers (FY 2004)



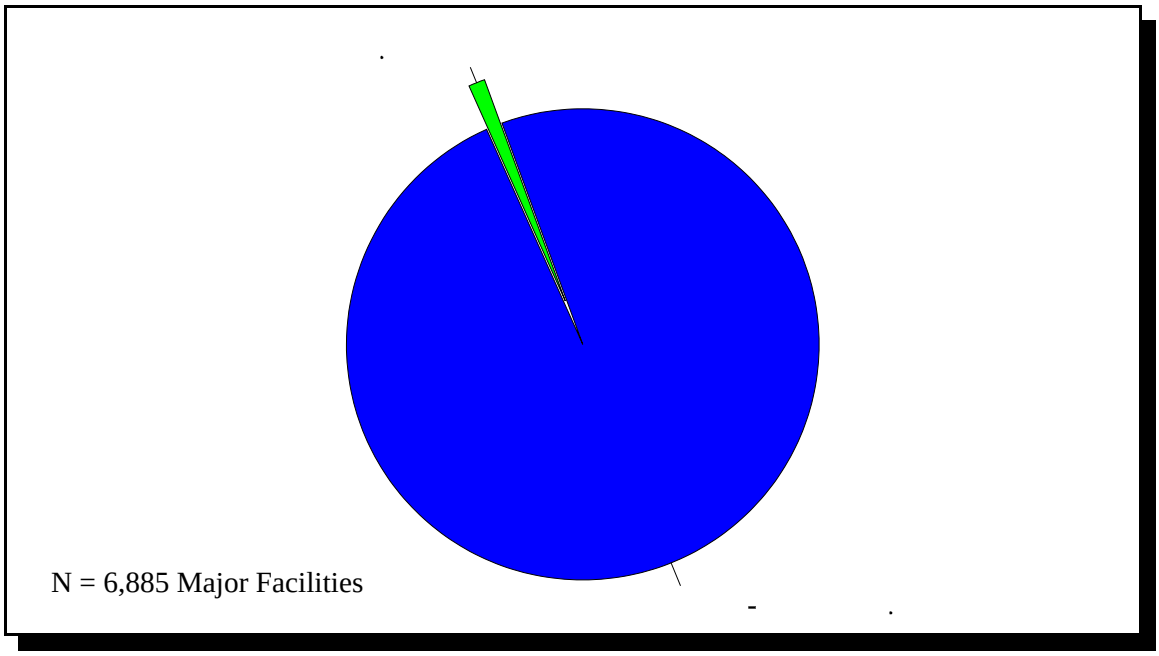
Source: IDEA – 1/7/05

Exhibit A-14
Universe of Major Federal CWA/NPDES Facilities (FY 2004)



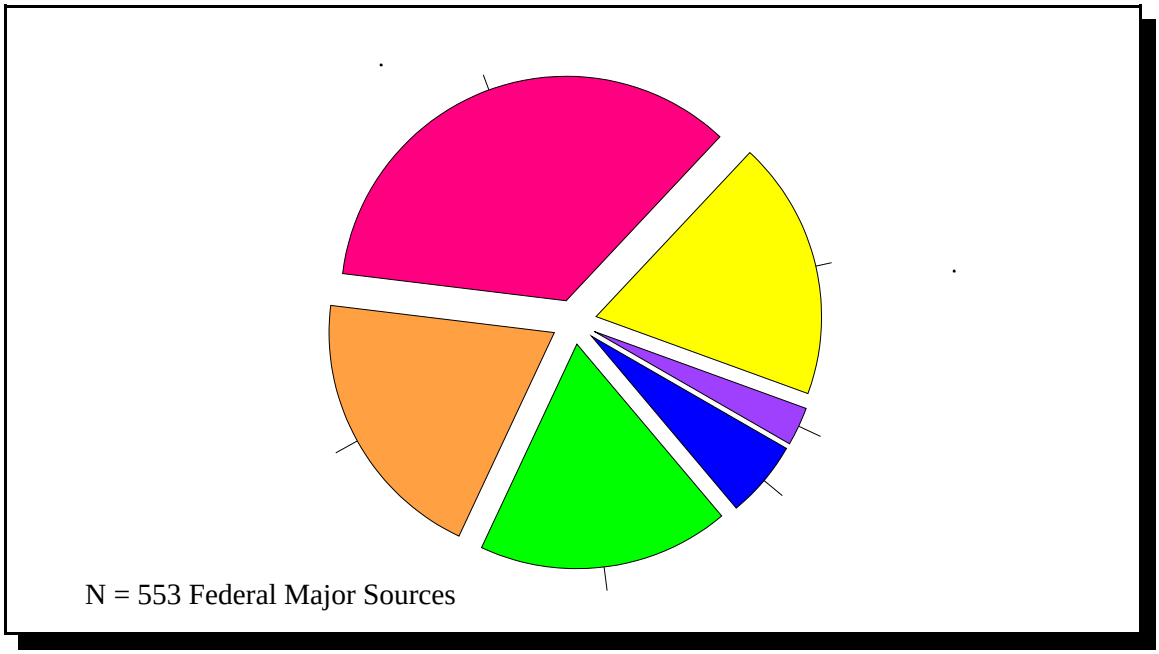
Source: IDEA – 2/2/05

Exhibit A-15
Federal vs. Non-Federal CWA/NPDES Facilities (FY 2004)



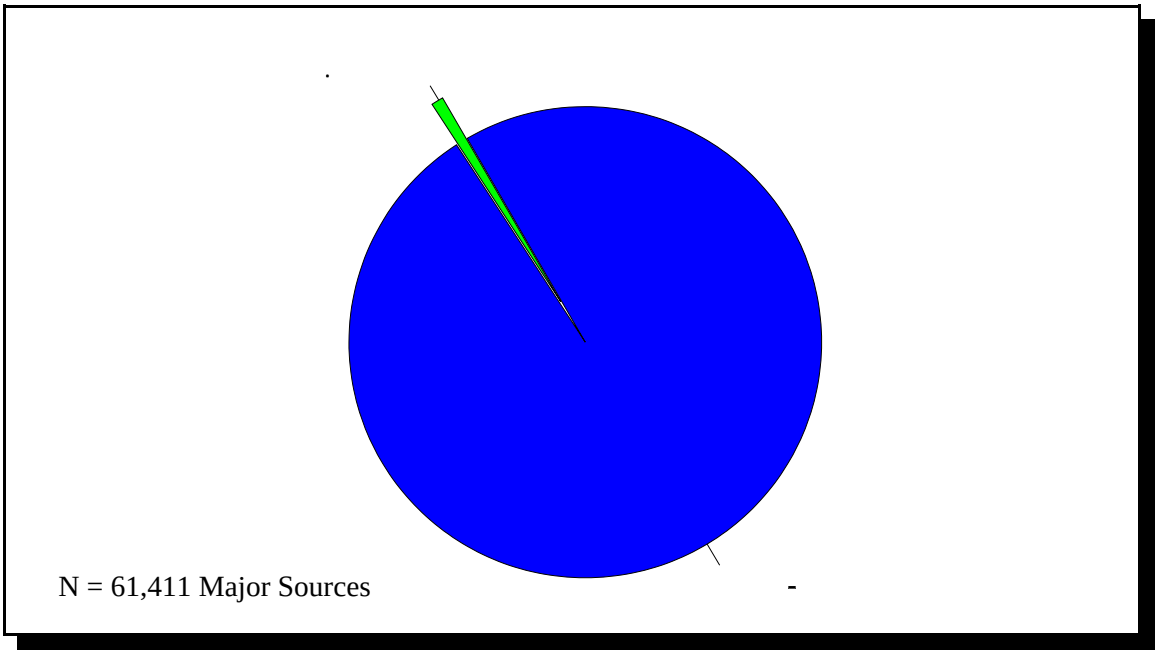
Source: IDEA – 2/2/05

Exhibit A-16
Universe of Major Federal CAA Sources (FY 2004)



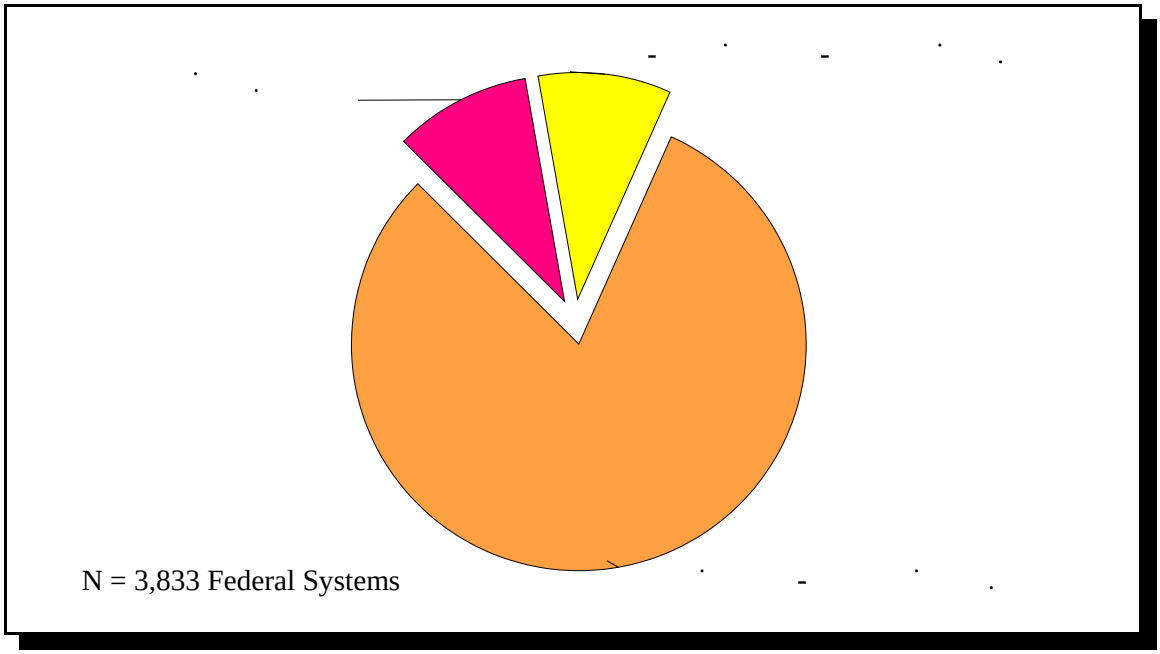
Source: IDEA – 2/5/05

Exhibit A-17
Major Federal vs Non-Federal CAA Sources (FY 2004)



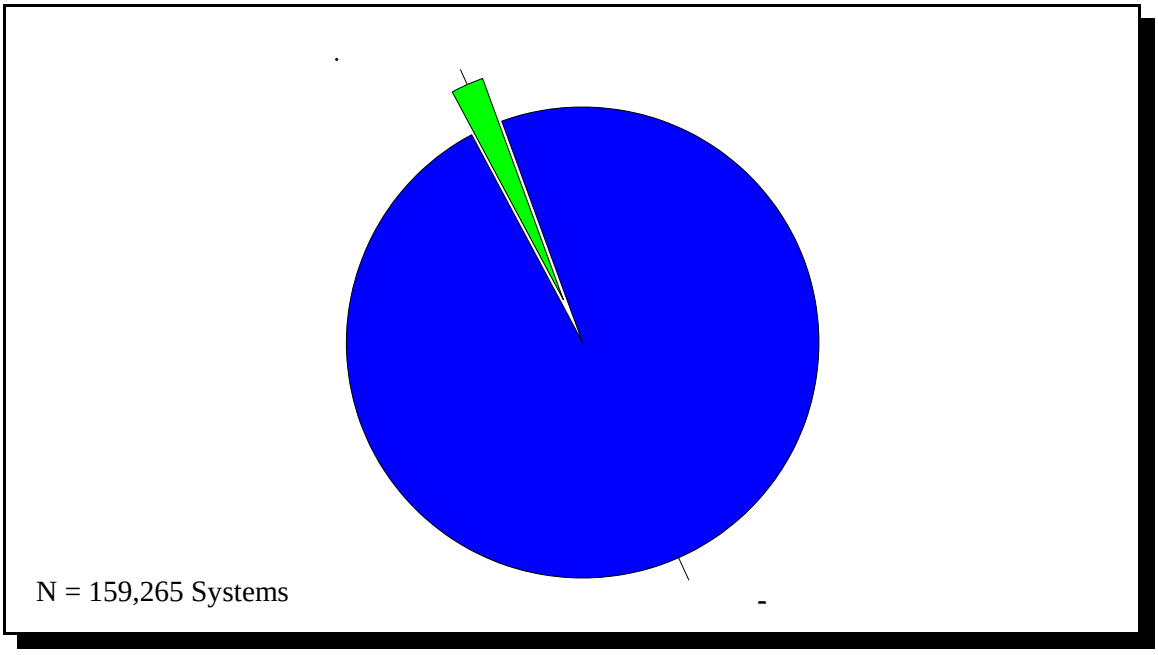
Source: IDEA – 2/5/05

Exhibit A-18
Universe of Federal Public Water Supply Systems (FY 2004)



Source: SDWIS – 3/21/05

Exhibit A-19
Federal vs. Non-Federal Public Water Supply Systems (FY 2004)



Source: SDWIS – 3/21/05

Summary of EPA Definitions of Significant Noncompliance and High Priority Violations

A brief summary of each program's data system definition of SNC or HPV is shown below. However, these summaries are not meant to substitute for the complete definition, which can be found in the following relevant guidance documents:

- Hazardous Waste Civil Enforcement Response Policy, December 2003; www.epa.gov/compliance/resources/policies/civil/federa/revisnpdessnc.pdf;

- Revision of NPDES Significant Noncompliance (SNC) Criteria to Address Violations of Non-Monthly Average Limits, Memo from Steven A. Herman, September 21, 1995 - www.epa.gov/compliance/resources/policies/civil/federal/revisnpdessnc.pdf;

- Office of Enforcement and Compliance Assurance Workbook - The Timely and Appropriate (T&A) Enforcement Response to High Priority Violations (HPVs), June 23, 1999 - www.epa.gov/compliance/resources/publications/civil/federal/airsnc.pdf;

- Public Water System Supervision Program Water Supply Guidance Manual, January 2000; Nos. 57, 63, 65, & 67 - www.epa.gov/safewater/wsg/newindex.pdf.

These documents are available from the EPA Website at the URLs listed above or can be obtained by contacting the relevant program office in the EPA Region or at EPA Headquarters.

RCRA

EPA groups RCRA violators into two different categories - SNCs and Secondary Violators (SVs). If the violator is a SNC, then EPA considers formal enforcement appropriate, and the violator will be subject to administrative/civil actions and penalties. SVs are corrected through informal actions; however, SVs that do not return to compliance may be re-classified as SNC, with the corresponding expectation of a formal enforcement response by EPA. The initial decision to classify a violator as SNC is based on the following criteria:

- Exposure or threatened exposure of a sensitive environment (such as wetlands or groundwater) or workers to hazardous waste (HW) or HW constituents;

- Minor release of a HW or HW constituent in a populated area or a publicly accessible location;

- Release or threatened release of a highly mobile HW;

- Any release that suggests a continuing threat of future releases;

- A pattern of similar violations or multiple violations at the same site; or

- A substantial violation that defeats RCRA's regulatory purpose or procedures.

If these factors do not provide a clear answer to how to classify the violator, EPA will evaluate the following: any steps the violator took to expeditiously come into compliance or to mitigate any risks caused by the violation before EPA became involved; similar prior violations or multiple violations (including other environmental statutes) by the violator, especially at the same facility; or previous violations by the same person at other locations, especially when identical to the present violation.

This second group of factors is used to determine the effectiveness of the informal enforcement process. Violations within the past

three years are weighed more heavily, however older violations are assessed to determine if a pattern of noncompliance exists. When examining historical trends, EPA does not consider minor deviations from RCRA requirements, even if there are past similar violations. Although these factors are the most commonly used to determine the violator's category, a particular site might have unique circumstances that EPA will consider. EPA does not consider whether there was actual damage to human health or the environment or the size or financial viability of the violator.

CWA/NPDES

Most CWA/NPDES SNC designations are based on an automated analysis of Discharge Monitoring Reports (DMRs) that facilities with NPDES permits are required to submit on a monthly basis. The compliance designation of a facility in the PCS database is done using a mathematical formula that takes into account the amount, duration, and frequency of discharges in comparison with permit levels. In some instances facilities may be manually designated as SNC, even if the PCS data system does not automatically designate them as such. Examples of events that could result in the manual generation of a SNC code for a facility include: unauthorized discharges; failure of a facility to enforce its approved pretreatment program; failure to meet a construction deadline; failure to file a DMR; filing a DMR more than 30 days late; or violating any judicial or administrative order. Manually entered compliance data, if present, override machine-generated compliance data.

A facility may have multiple discharge points and different designations for each point. If any of these points show a SNC type code, then the overall facility status is listed as SNC, even if other discharge points are in compliance. Removal of the SNC designation occurs once the facility's DMR reports show a consistent pattern of compliance with permit limits, or if EPA or a state agency issues a formal enforcement order to address the violations that resulted in the SNC designation.

CAA

The following criteria can trigger high priority violator (HPV) status under the CAA:

- Failure to obtain a Prevention of Significant Deterioration permit;
- Violation of an air toxics requirement;
- Violation by a synthetic minor of an emission limit that affects the source's regulatory status;
- Violation of an administrative or judicial order;
- Substantial violations of a sources Title V obligations;
- Failure to submit a Title V permit application within 60 days of the deadline;
- Testing, monitoring, record keeping or reporting violations that substantially interfere with enforcement or determination of a facility's compliance requirements;
- Violation of an allowable emission limit detected during a source test;
- Chronic or recalcitrant violations; or
- Substantial violations of 112 (r) requirements.

Under the CAA, the HPV designation is removed once a facility demonstrates it has resolved the violation that led to the HPV listing. The HPV flag is reported in AIRS/AFS. A 'YES' appears in the column to indicate that the facility has HPV status.

SDWA/PWSS

Under SDWA/PWSS, facilities in SNC have more serious, frequent, or persistent violations. The criteria which designate a system as a SNC vary by contaminant. Different SNC definitions exist for total coliform, turbidity, nitrates, chemical and radiological, surface water, and lead and copper. (See the guidance manuals cited above for specific definitions). Once a system is designated as a SNC, it is subject to EPA's timely and appropriate response policy. SNCs that have not returned to compliance or are not addressed timely and appropriately are called Exceptions.

Timeliness for SNCs is eight months after the system became a SNC. (Two months for the state to determine, and become aware of, the system's SNC status and six months in which to complete the follow-up/enforcement action). The types of actions considered appropriate include the issuance of a formal state or federal administrative or compliance order, a civil or criminal referral to a state attorney general or the Department of Justice, or state bilateral compliance agreement signed by both the state and the violator.