

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance  
National Program Guidance, Fiscal Years 2025-2026

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## ACRONYM LIST

ACE	Automated Commercial Environment
ACMS	Alternative Compliance Monitoring Strategy
AIM Act	American Innovation and Manufacturing Act
AHERA	Asbestos Hazard Emergency Response Act
APPS	Act to Prevent Pollution from Ships
CAA	Clean Air Act
CBP	U.S. Customs and Border Protection
CCR	Coal Combustion Residuals
CDR	Chemical Data Reporting
CEI	Comprehensive Evaluation Inspection
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CID	Criminal Investigations Division
CMS	Compliance monitoring strategy
CSB	Chemical Safety Board
CWA	Clean Water Act
CWS	Community Water System
DART	Data Acquisition in Real Time
DHS	Department of Homeland Security
ECATT	ECHO Clean Air Tracking Tool
ECHO	Enforcement and Compliance History Online
EJ	Environmental Justice
EMS	Enforcement Management System
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ERP	Enforcement Response Policy
ETEP	EPA-Tribal Environmental Plan
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FRP	Facility Response Plan
FRV	Federally Reportable Violation
GDC	General Duty Clause
GLP	Good Laboratory Practices
GMAP	Geospatial Monitoring of Air Pollution

GHG	Greenhouse Gas
GWP	Global Warming Potential
HAP	Hazardous Air Pollutant
HFC	Hydrofluorocarbon
HPV	High Priority Violations
IC	Institutional Control
ICIS	Integrated Compliance Information System
LDAR	Leak Detection and Repair
LQGs	Large Quantity Generator
MI	Mechanical Integrity
MOA	Memorandum of Agreement
MOC	Management of Change
NAICS	North American Industry Classification System
NECI	National Enforcement and Compliance Initiative
NEPPS	National Environmental Performance Partnership System
NESHAPs	National Emission Standards for Hazardous Air Pollutants
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NPG	National Program Guidance
NRCS	Natural Resources Conservation Service
OAR	Office of Air and Radiation
OCEFT	Office of Criminal Enforcement, Forensics and Training
OCIR	Office of Congressional and Intergovernmental Relations
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OEM	Original Equipment Manufacturer
OLEM	Office of Land and Emergency Management
OPPT	Office of Chemical Safety and Pollution Prevention
PBT	Persistent, Bioaccumulative, and Toxic
PCB	Polychlorinated Biphenyl
PFAS	Per- and Poly- fluoroalkyl Substances
PHMSA	Pipeline and Hazardous Materials Safety Administration
PPA	Performance Partnership Agreement
PPG	Performance Partnership Grant

PRP	Potentially Responsible Party
PWS	Public Water System
QAFAP	Quality Assurance Field Activities Procedures
RA	Remedial Action
RCRA	Resource Conservation and Recovery Act
RD	Remedial Design
RIN	Renewable Identification Number
RMP	Risk Management Plan
RNCF	Referred No Complaint Filed
RRP	Renovation, Repair and Painting
SDWA	Safe Drinking Water Act
SEP	Supplemental Environmental Project
SNC	Significant Noncompliance
SPCC	Spill Prevention, Control, and Countermeasure
SRF	State Review Framework
TRI	Toxics Release Inventory
TSCA	Toxic Substances Control Act
TSDF	Treatment, Storage, and Disposal Facilities
UIC	Underground Injection Control
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tank
WPS	Worker Protection Standard

## SECTION I. INTRODUCTION

This FY 2025-2026 National Program Guidance (NPG) for the Office of Enforcement and Compliance Assurance (OECA) is a preliminary planning document and reflects the information currently available regarding specific programmatic commitments and activities. It identifies the national compliance and enforcement activities that the U.S. Environmental Protection Agency (EPA or the Agency) and state, territory, local, and Tribal government agencies should perform in FY 2025-2026 consistent with the budget and the Administrator's priorities. In developing this guidance, OECA reviewed and considered the state, Tribal, and territorial priorities identified through program-specific early engagement. The "EPA Overview to the National Program Guidance" communicates important background and agency-wide information and should be read in conjunction with this FY 2025-2026 OECA National Program Guidance.

EPA's Enforcement and Compliance Assurance Program (the Enforcement and Compliance Program) comprised organizationally of OECA and the regions supports EPA's principles of following the science, following the law, being transparent, and advancing justice and equity. The Program's priorities, policies, and practices will focus on being consistent and systematically fair, just, and impartial in our treatment of all individuals. The Program will hold polluters accountable and ensure that companies who have met their legal obligations are not at a competitive disadvantage with violators. EPA will focus federal enforcement resources on the most serious environmental problems and identify and address noncompliance and contaminated sites that adversely impact the health of American communities through vigorous civil, criminal, and cleanup enforcement. EPA will implement the [Strategic Civil-Criminal Enforcement Policy](#) to promote collaborative strategic planning between EPA's civil and criminal enforcement programs and ensure that EPA exercises its enforcement discretion fairly and consistently. OECA and the regions will also seek to increase engagement with communities about enforcement cases and identify remedies with tangible benefits for impacted communities.

The Program's actions will also support priority goals in the [FY 2022-2026 EPA Strategic Plan](#)<sup>1</sup> to advance environmental justice (EJ) and civil rights, and address climate change. The Enforcement Program will advance EJ through increased inspection and enforcement in communities already overburdened by pollution. The Program will also integrate EJ considerations, such as impacts to the community and harm to victims, the need for public outreach, and the opportunity for community service or restitution for harmed communities into every environmental criminal investigation and prosecution. To address climate change, the Program will implement the FY 2023 [Climate Enforcement and Compliance Strategy](#),<sup>2</sup> which provides direction to all OECA and regional offices and across all enforcement and compliance efforts, including criminal, civil, federal facilities, and cleanup actions. The strategy recognizes the urgency of the climate crisis and takes a comprehensive approach to this challenge to facilitate and expedite results.

The Enforcement and Compliance Program will continue its focus on the [National Enforcement and Compliance Initiatives \(NECIs\)](#)<sup>3</sup> to target and address the most serious environmental and public health problems where noncompliance is a significant contributing factor. For the FY 2024-2027 NECIs, the Program will, for the first time, focus enforcement and compliance resources on mitigating climate change, addressing exposure to per- and polyfluoroalkyl substances (PFAS), and protecting communities from carcinogenic coal ash contamination.

OECA and the regions will collaborate with states, territories, local governments, and federally recognized Indian Tribes (Tribes), by both directly implementing the Program and through oversight of federal programs implemented by the states. This collaboration emphasizes use of the full range of OECA and the region's compliance assurance tools, such as helping regulated entities understand their compliance obligations, helping facilities return to compliance, building state capacity, supporting state actions, bringing Federal civil administrative actions, and bringing Federal civil or criminal judicial enforcement actions. EPA retains concurrent enforcement authority and will take direct action in authorized programs to protect human health and the environment consistent with the [2023 Guidance on Effective Partnerships Between EPA and the States in Civil Enforcement and Compliance Assurance](#).<sup>4</sup>

## SECTION II. KEY PROGRAMMATIC PRIORITIES

### A. Key Enforcement and Compliance Activities to Advance Environmental Justice

For the past 25 years, OECA, in partnership with regional enforcement programs, has built EJ and civil rights principles into its enforcement and compliance assurance program and continues to strengthen the integration of these principles across our activities. Building on this progress, OECA has enhanced efforts to embed EJ considerations into its enforcement and compliance policies, train staff and technical experts, and improve data tools to address the effects of pollution on overburdened communities. Since 2021, in response to Executive Order 14008's call to "strengthen enforcement of environmental violations with disproportionate impact on underserved communities," OECA has focused on three key strategies:

#### 1. Strengthening Enforcement in Communities with Environmental Justice Concerns through Civil Enforcement

On April 30, 2021, OECA issued a memorandum, [Strengthening Enforcement in Communities with Environmental Justice Concerns](#),<sup>5</sup> directing an increase in the number of facility inspections in overburdened communities, pursuing remedies with tangible benefits for the impacted community, and increasing efforts in community engagement.

Inspections to assess compliance with legal requirements are critical to uncovering violations of environmental laws and deterring unlawful conduct that may harm communities, especially those that are overburdened or more vulnerable to the effects of contamination. OECA has committed to increase inspections in areas of EJ

concern, from past levels of about 30%, to 50% in FY 2024, and 55% in FYs 2025 and 2026. OECA expects that more inspections in overburdened communities will help us to address the most serious threats to communities.

In addition to increased inspections, a critical goal of the civil enforcement program is to obtain injunctive relief that addresses past harms and provides timely and tangible benefits to communities. Pursuant to the April 26, 2021 memorandum, [Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements](#),<sup>6</sup> case teams are encouraged to use the full array of policy and legal tools to ensure that environmental laws deliver benefits to all individuals and communities, including utilizing compliance tools which will be most effective in ensuring a facility promptly returns to compliance, such as: advanced monitoring, audits, electronic reporting, and public posting of compliance data. Case teams are also instructed to consider settlement provisions that address past harm to communities, including mitigation, [supplemental environmental projects \(SEPs\)](#),<sup>7</sup> and stipulated remedies.

Early and frequent community engagement with pollution-burdened and underserved communities is an essential element of OECA's and Regions' efforts to address environmental injustice. OECA is focused on pursuing early and more frequent engagement with overburdened communities affected by enforcement decisions, by:

- Providing more information about facilities, pollution, inspection, and enforcement activities, through press releases, desk statements, public meetings, and websites focused on specific communities.
- Developing transparency tools, including enhancements to EPA's [Enforcement and Compliance History Online \(ECHO\)](#)<sup>8</sup> website, that will provide the public with enforcement and compliance information about their community.
- Pursuing additional opportunities to increase community engagement across the enforcement program, such as:
  - Direct outreach to local communities, collaborating with state, Tribal, and local authorities to provide multilingual information, and targeted public service announcements and outreach to impacted communities about issues such as safe drinking water, pesticides and air emission impacts, and worker or industry safety regulations.

*Pursuant to a permanent injunction issued by the U.S. District Court for the Western District of Louisiana on August 22, 2024, EPA will not impose or enforce any disparate-impact or cumulative-impact-analysis requirements under Title VI against any entity in the State of Louisiana. [Click here for additional and updated information.](#)*



2. **Strengthening Environmental Justice through Criminal Enforcement**  
On June 21, 2021, OECA's Acting Assistant Administrator, issued a memorandum, [Strengthening Environmental Justice Through Criminal Enforcement](#),<sup>9</sup> directing strengthened detection of environmental crimes in overburdened communities through effective civil-criminal coordination on investigations and cases, improved assistance to crime victims, and enhanced remedies sought in environmental crime cases. Specifically, OECA is:
- Partnering with the Department of Justice to improve attention and support to the victims of environmental crimes and working to conduct as much outreach as possible to share information about EPA's criminal enforcement.
  - Strategically deploying its criminal enforcement resources in each NECI, which incorporate EJ considerations, to hold polluters accountable, reduce noncompliance with the environmental laws, and protect overburdened communities from environmental harm.
  - Instructing case teams to:
    - Prevent subsequent pollution crimes in communities, which means that punishment for environmental crimes must be sufficient to achieve the goal of deterrence,
    - Seek conditions of probation or supervised release whenever necessary to ensure compliance and provide communities with sufficient information to be assured that illegal pollution is not recurring, and
    - Seek restitution and/or community service to redress harm from the offense.
3. **Strengthening Environmental Justice through Cleanup Enforcement Actions**  
To support the Agency's focus on EJ, OECA intends to use authorities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) to proactively investigate and prevent threatened releases in overburdened and/or underserved communities; secure cleanup and reuse agreements that address impacts on these communities; and increase opportunities for community engagement. On July 1, 2021, OECA issued a memorandum, [Strengthening Environmental Justice Through Cleanup Enforcement Actions](#),<sup>10</sup> directing cleanup enforcement staff to require responsible parties to take early and prompt cleanup actions, press for more robust enforcement instruments, and increase cleanup oversight. OECA is:
- Tracking and assessing the use of revised model cleanup documents which include EJ language that should be used by enforcement teams across EPA, providing a standardized basis to address EJ concerns in cleanup enforcement.
  - Increasing opportunities for community engagement in the development of cleanup and reuse agreements to ensure community concerns are addressed in a meaningful manner, through revised model documents that include new provisions regarding community involvement (e.g., requiring potentially responsible parties to provide information to the public in the dominant language(s) of community members).

- Requiring responsible parties to take early cleanup actions by:
  - Instructing case teams to take enforcement steps to expedite cleanups in overburdened communities to address the most urgent risks to human health.
  - Working with regions on proactive use of Imminent and Substantial Endangerment authorities at Superfund and RCRA Corrective Action sites, where there are viable responsible parties and early action would prevent or abate releases, to prioritize early action and/or enforcement efforts at sites affecting overburdened, vulnerable, or undeserved communities or climate sensitive areas.
- Tracking CERCLA National Priorities List (NPL) disputes with other federal agencies to ensure that these disputes are timely resolved or elevated, particularly as all CERCLA NPL disputes are currently occurring in communities with potential EJ concerns.
- Strengthening oversight and enforcement of community involvement efforts at federal facility NPL sites while promoting best practices for federal agencies.

## B. Key Enforcement and Compliance Activities to Address Climate Change

As climate change is the greatest environmental challenge we face in the 21<sup>st</sup> century, EPA made tackling the climate crisis a top priority. In the [FY 2022-2026 EPA Strategic Plan](#),<sup>11</sup> Goal 1 focused specifically on tackling the climate crisis by taking action to adapt to and mitigate climate change risks.

Tackling the climate crisis is also a top priority for OECA as the Enforcement and Compliance Program focuses on reducing greenhouse gas (GHG) emissions and increasing resilience to future impacts from climate change. To meet the urgency of this challenge and guide our efforts in the future, OECA issued [EPA's Climate Enforcement and Compliance Strategy](#),<sup>12</sup> an overarching strategy on how the Enforcement and Compliance Program will integrate climate change considerations and action into our work. Additionally, OECA's FY 2024-2027 [NECIs](#)<sup>13</sup> include the first ever climate change-focused enforcement initiative that is a key component of our climate enforcement and compliance strategy.

These two new efforts provide guidance and structure going forward to allow the Enforcement and Compliance Program to continue contributing towards addressing the climate crisis over the next several years. As the climate crisis continues to accelerate, if we fail to take decisive action by the end of this decade, we will lose our ability to stave off the worst effects of climate change.

EPA's Climate Enforcement and Compliance Strategy directs all civil, criminal, federal facilities and cleanup enforcement and compliance offices to address climate change, as appropriate, in every matter within their jurisdiction. This strategy directs EPA's Enforcement and Compliance Program to: (1) prioritize enforcement and compliance actions to mitigate climate change; (2) include climate adaptation and resilience

requirements in case conclusions whenever appropriate; and (3) provide technical assistance to achieve climate-related solutions and build climate change capacity among EPA staff and our state and local partners. This strategy expands and builds on the foundational work in the [OECA Climate Adaptation Implementation Plan](#)<sup>14</sup> and the subsequent priority actions undertaken each year through FY 2026 to advance the Agency toward its climate adaptation goals.

The first requirement of the strategy focuses on reducing emissions of the highest impact climate super-pollutants, methane and hydrofluorocarbons (HFCs). Pound for pound, the comparative impact of methane is 28 times greater than CO<sub>2</sub> over a 100-year period. HFCs have an even greater impact on global temperatures, ranging from hundreds to thousands of times greater than the impact of carbon dioxide. [The Mitigating Climate Change](#) NECI will be key to reducing emissions of these highest impact climate change pollutants. We also will prioritize reductions of other GHGs by bringing enforcement actions to address illegal emissions of carbon dioxide and other pollutants that contribute to climate change. As EPA works to ensure compliance with applicable regulations, we will work collaboratively with states, territories, tribes, and local agencies, as appropriate.

The second requirement of the strategy focuses on building climate resilience into case targeting and resolutions by considering relevant climate risks in enforcement matters and, when appropriate, including injunctive relief measures to ensure that polluting facilities will be resilient to projected impacts of climate change. Incorporating climate adaptation and resilience principles will ensure that regulated entities and communities are better able to anticipate, prepare for, withstand, and recover from the disruptive impacts of climate change while also remaining in compliance with environmental laws. Additionally, the Enforcement and Compliance Program will continue to use authorities under CERCLA and RCRA to proactively investigate and prevent threatened releases in climate-sensitive communities; secure cleanup and reuse agreements that address climate change vulnerabilities; and integrate actions to address climate change into enforcement tools, policies, and guidance used for the cleanup and reuse of contaminated sites.

The third requirement of the strategy focuses on providing technical assistance and training to EPA staff and state and local partners as we continue to develop the necessary capacity and tools to support integrating climate change considerations into enforcement and compliance activities. OECA and our regional partners play an important role in enhancing communities' resilience to climate-related disasters through enforcing rules designed to reduce GHG emissions and other harmful pollutants, integrating adaptation principles into our compliance and enforcement efforts, and building capacity to meaningfully integrate these climate considerations into environmental enforcement and compliance.

Even as we seek to avoid the most catastrophic effects of climate change, we must take steps now to prepare communities for the climate change that is happening already and

that we know will occur in the future. Our efforts today will shape our legacy and determine what kind of world we leave for future generations.

### C. FY 2024-2027 National Enforcement and Compliance Initiatives (NECIs)

The Enforcement and Compliance Program's [NECIs](#)<sup>15</sup> are EPA's priority focus areas to address the nation's most serious environmental and public health problems where noncompliance with environmental statutes and regulations is a significant contributing factor, and where federal enforcement can have a significant impact on improving quality of the nation's air, water, and land. In the FY 2024-2027 NECI cycle, the Enforcement and Compliance Program will, for the first time, focus enforcement and compliance resources on mitigating climate change, addressing exposure to PFAS, and protecting communities from heavy metals found in coal ash. In addition, we will strengthen our efforts to address hazardous air pollution in overburdened communities and continue existing initiatives focused on providing safe drinking water and reducing the risk of deadly chemical accidents. As EPA works to implement the NECIs, we will continue to coordinate and work collaboratively with state, territorial, tribal, and local agencies, as appropriate. In addition, EPA is committed to improving outreach to state and local agencies and to providing regulatory guidance to help promote national consistency, and to share knowledge, and offer state and local agencies training on new and existing regulations.

#### 1. Mitigating Climate Change

This NECI uses EPA's enforcement and compliance tools to reduce excess emissions of GHGs through the prevention of unauthorized imports, production, and use of hydrofluorocarbons (HFCs), and by addressing methane emissions from the oil and natural gas and landfill sectors (including federally owned landfills), as these industries significantly contribute to or exacerbate climate change.

EPA's FY 2022-2026 Strategic Plan prioritizes actions to tackle the climate crisis, including through enforcement of the American Innovation and Manufacturing Act's (AIM Act) requirements for HFC import, production, and use, and Clean Air Act (CAA) requirements that apply to the oil and gas and landfill sectors. The AIM Act targets HFCs, which are a widely used refrigerant and have a Global Warming Potential (GWP) that is hundreds to tens of thousands of times greater than carbon dioxide (CO<sub>2</sub>), for reduction by 85% over the next 15 years. Global efforts to phase down HFCs are expected to avoid up to 0.5 °C of global warming by 2100. Similarly, the oil and gas and landfill sectors are a significant source of methane emissions, and methane has a GWP that is 28 times greater than CO<sub>2</sub>. In 2021, methane and HFC emissions accounted for approximately 14.5% of U.S. GHG emissions in million metric tons of CO<sub>2</sub> equivalent (MMTCO<sub>2</sub>e). Oil and gas systems and landfills are the first and third largest sources of methane emissions in the United States, respectively, and were responsible for 44% of U.S. methane emissions in 2021.

## 2. Addressing Exposure to PFAS

Due to the toxicity and persistence of per- and polyfluoroalkyl substances (PFAS) chemicals, addressing PFAS contamination is a priority for EPA, and the Enforcement and Compliance Program is actively involved in both investigation and enforcement in this area. This NECI focuses on implementing EPA's PFAS Strategic Roadmap and holding responsible those who significantly contribute to the release of PFAS into the environment, such as major manufacturers and users of manufactured PFAS, federal facilities that release PFAS, and other industrial parties.

Along with EPA's development of regulatory frameworks for PFAS across multiple statutes, the Enforcement and Compliance Program has already taken enforcement actions to ensure compliance with existing statutes, including actions to address an imminent and substantial endangerment to communities. Building upon these recent actions, the key goals of this NECI are to achieve site characterization, control ongoing releases, and compel compliance with permits and other agreements (e.g., Federal Facility Agreements) to prevent unacceptable exposure to PFAS contamination and address endangerment issues as they arise. EPA is also working closely with our state and Tribal counterparts to address PFAS concerns and contamination. Additionally, Regions should continue investigations at uninspected facilities and addressing PFAS contamination using imminent and substantial endangerment authorities, e.g., under SDWA section 1431, CWA section 504, CERCLA section 104, and RCRA sections 3013 and 7003, as appropriate.

In 2020, hundreds of facilities reported manufacturing or importing PFAS, and over a thousand have been reported as purchasers of raw PFAS materials from large manufacturers or distributors. Under this NECI, EPA has begun addressing PFAS contamination at the largest PFAS manufacturing facilities and is conducting site assessments, sampling, and analysis to prevent and address PFAS contamination. That could lead to additional investigations of other manufacturers or direct users of PFAS.

Another focus of this NECI is investigating federal facilities with known or suspected PFAS releases and using the best available enforcement authorities to minimize risk and reduce exposure. There are approximately 800 federal facilities with known or suspected PFAS contamination, including 275 facilities where the Department of Defense is currently conducting or will conduct Remedial Investigations.

Characterizing contamination and holding those who significantly contribute to the release of PFAS into the environment responsible for addressing PFAS contamination will help mitigate the disproportionate impact PFAS contamination has on communities shown to be most at risk of exposure to a multitude of contaminants. Addressing unsafe releases of PFAS will both combat direct contaminant exposures and other exposures such as subsistence fishing.

### 3. Protecting Communities from Coal Ash Contamination

EPA is committed to reducing pollution from electric utilities and independent power producers that are subject to the Coal Combustion Residuals (CCR) regulations by ensuring compliance with those regulations. These regulations provide national minimum criteria for the disposal of CCR, also known as coal ash, as solid waste under RCRA Subtitle D. While the states are the primary implementers of RCRA subtitle D, the Water Infrastructure Improvements for the Nation (WIIN) Act gave EPA permitting authority for coal ash facilities and requires EPA to establish and carry out a permit program for coal ash units in Indian Country, and for units in nonparticipating States, to achieve compliance with the current CCR rule or successor regulations. The WIIN Act provided that EPA may use its information gathering and enforcement authorities under RCRA sections 3007 and 3008 to enforce the CCR rule or permit provisions.

Coal ash is the toxic material that results from burning coal. Coal ash contains contaminants known to cause cancer and other serious health effects. In 2021, coal-fired electric facilities generated almost 80 million tons of coal ash. There are approximately 775 units at 300 regulated facilities nationwide. Most coal ash units are adjacent to rivers, lakes, and coastal waterways. Many of these adjacent waters and the surrounding groundwater resources are, or may be in the future, sources of drinking water. These coal ash sites become more vulnerable to unplanned releases every day due to water level rise and the increasing severity and frequency of storms, flooding, and hurricanes. This NECI focuses EPA enforcement resources on noncompliance with EPA's RCRA CCR requirements to reduce the most significant risks to drinking water, surface waters and groundwater resources, and air quality, from coal ash disposal.

Neighborhoods located near coal ash facilities are often communities with EJ concerns. These communities are likely to face existing environmental burdens that put them at greater cumulative risk from the environmental impacts associated with proximity to coal ash landfills or impoundments, including harmful air pollution and threats to drinking water sources. Reviews of facility data conducted to date by EPA have shown that releases from at least 450 units have caused groundwater contamination and approximately 72 facilities are located near overburdened communities.

Coal ash contains contaminants such as mercury, cadmium, chromium, and arsenic, which are associated with cancer and various other serious health effects. The impact or harm to human health and the environment from noncompliance can be significant and can occur through catastrophic releases of contaminants, contamination of groundwater resources, impacts on nearby surface waters, consumption of contaminated drinking water, and releases of pollutants to the air.

Based on information EPA has reviewed, including facility applications for closure time extensions and liner equivalency requests, noncompliance with the CCR requirements appears to be widespread. It appears that many facilities are not complying with the CCR Rule's performance standards and monitoring and testing requirements.

#### 4. Reducing Air Toxics in Overburdened Communities

EPA is committed to reducing air pollution in communities across the country, but some communities suffer impacts from higher levels or multiple sources of toxic air pollution. This initiative is an effort to focus EPA enforcement resources on a number of overburdened communities facing high levels of air pollution from Hazardous Air Pollutants (HAPs) or carcinogens, such as but not limited to BTEX compounds (e.g., benzene, toluene, ethylbenzene, xylenes), chromium compounds (e.g., odium chromate, sodium dichromate, chromic acid, chromic oxide, and chromium dehydrate), formaldehyde, mercury, polycyclic organic matter (which includes polycyclic aromatic hydrocarbon compounds), lead, dioxins and furans, and ethylene oxide. Many of these pollutants are known or suspected to cause cancer or other serious neurological, reproductive, developmental, and respiratory health effects when breathed or ingested through the food chain. By reviewing data on elevated levels and potential sources of these toxic pollutants and identifying overburdened areas most affected by those pollutants (in conjunction with the EJ office in the Region), EPA can target inspections on areas most in need of assessment. The Agency will then assess sources' compliance, address any HAP violations through formal enforcement actions (as appropriate), and thereby reduce the level of pollution burden suffered by those identified communities.

Regions will target, investigate, and address noncompliance with HAP regulations, with a focus on sources of HAPs in multiple communities with EJ concerns. Regions will identify HAP sources by considering air toxics data from, e.g., the ECHO Clean Air Tracking Tool, citizen complaints, facility reported data, monitoring and testing reports, and data from ambient air pollution monitors. The Agency will also consider compliance history and the toxicity and quantity of the HAPs emitted. Regions will then assess which areas of high air toxics emissions are in communities with EJ concerns, in coordination with EJ offices. Regions will explore ways to engage with local community groups and environmental and health departments, where possible, to communicate clearly about EPA enforcement actions.

#### 5. Increasing Compliance with Drinking Water Standards

In FY 2023, more than 23.5 million Americans consumed water provided by a Community Water System (CWS) with at least one health-based violation of the Safe Drinking Water Act (SDWA). This NECI will ramp up EPA's field presence, take impactful enforcement to reduce noncompliance, improve climate resiliency, and offer more compliance assistance to prevent and address public health risks. EPA

will continue to work with states, Tribes, territories, local governments, and the regulated community, including federal agencies, to ensure delivery of safe water to communities. In particular, in response to increased cybersecurity threats at public water systems, EPA intends to increase the number of federal inspections to assess compliance with SDWA Section 1433 in community water systems, and take the necessary actions to address vulnerabilities identified during inspection. If civil enforcement personnel suspect that a regulated entity has engaged in false statements, obstruction, or similar misconduct, they will coordinate with the OECA Criminal Investigations Division (CID). By carrying out shared responsibilities and creating a more effective drinking water enforcement program nationally, the nation will have more resilient CWSs.

Noncompliance persists despite efforts by EPA and states, Tribes and territories with primary implementation and enforcement approval under SDWA. In the prior NECI cycle, about half of the inspections EPA conducted at systems found previously unreported violations. EPA maintains an oversight role and independent authorities when a primacy agency has an approved program. Building and maintaining relationships with primacy programs is crucial to EPA successfully reducing noncompliance with drinking water standards at CWSs. EPA will continue to employ a variety of tools to monitor and promote compliance. The tools include technical assistance; information gathering and inspection authority; regulatory enforcement, including coordination with criminal enforcement, where appropriate; and emergency powers to address imminent and substantial endangerments.

## 6. Chemical Accident Risk Reduction

Thousands of facilities nationwide, many of which are in communities with EJ concerns or that face climate-related hazards, or both, make, use, and store extremely hazardous substances. EPA has found that major accidents continue to occur from regulated facilities that are neither adequately managing risks nor ensuring safety to protect surrounding communities as required under Section 112(r) of the CAA. Additionally, EPA has found that facilities are not always reporting required chemical information to local emergency authorities or accurately reporting chemical releases. This NECI is a continuation of two prior cycles. In this third NECI cycle, EPA will focus on high-risk facilities using hydrogen fluoride (HF) and anhydrous ammonia. Facilities using these chemicals have had dangerous releases, some near catastrophic misses to surrounding communities, many others requiring medical responses, evacuations, and causing serious injuries and fatalities. Through this NECI, EPA will focus on these high-risk facilities as well as building out inspection capacity to protect communities from accidental releases.

EPA will continue to develop strong working relationships with the OSHA (PSM) program and work with other federal partners, such as the Chemical Safety Board (CSB) to facilitate and enhance inspections and evaluations in the RMP universe. In addition to responding as needed to releases and accidents that cause death or



serious bodily harm, the criminal program will also continue to coordinate with civil enforcement programs at the state (if one of the delegated states) and federal level to target companies and individuals who consistently violate integral risk management program elements, such as Management of Change (MOC) and Mechanical Integrity (MI), and which because of their operations, create heightened risk of significant harm to nearby communities, particularly overburdened communities.

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

### A. Tribal Government Collaboration and Consultation

EPA is committed to working with federally recognized Indian Tribes (Tribes) to assure compliance in [Indian Country](#)<sup>16</sup> to protect human health and the environment. EPA's work is conducted with appropriate consultation, coordination, and engagement with Tribes within the context of federal Indian law and the unique Agency policies applicable to Indian country and Tribes, including the [EPA Policy for the Administration of Environmental Programs on Indian Reservations](#)<sup>17</sup> (EPA Indian Policy), the [Policy on Consultation With Indian Tribes](#),<sup>18</sup> the [Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy](#)<sup>19</sup> (Tribal Enforcement Guidance), and other applicable compliance assurance and enforcement policies. The Agency also looks to EPA-Tribal Environmental Plans (ETEPA), which outline EPA and Tribal priorities for each Tribe, to focus our work in Indian country. The collaboration takes place both with individual Tribes and with EPA-Tribal partnership groups.

### B. Compliance and Enforcement in Indian Country

EPA works to ensure compliance in Indian country to protect human health and the environment. EPA directly implements the compliance monitoring and enforcement elements of virtually all programs in Indian country because most Tribes are not currently approved to implement federal programs. EPA acts in an oversight capacity and shares compliance monitoring and enforcement responsibilities where [Tribes are approved for treatment in a similar manner as a state \(TAS\)](#)<sup>20</sup> by the Agency to implement an environmental program.

#### **EPA Activities**

1. Engaging in appropriate communication with Tribes on compliance monitoring and enforcement activities that may affect them as guided by applicable laws, regulations and policies (see section III.A above). EPA activities include:
  - Providing appropriate notice prior to announced civil inspections or as soon as practicable after unannounced civil inspections are conducted in Indian country.
  - Providing transparent compliance information about EPA regulated facilities in Indian country, including through EPA's ECHO website and final inspection reports; and

- Providing appropriate information on EPA enforcement activities.
2. Making available technical support and compliance assistance information to improve and sustain compliance and facilitate return to compliance.
  3. Conducting civil compliance monitoring activities and criminal investigations in Indian country based upon, among other things, applicable compliance monitoring strategies (CMS), planning documents, NEICs, and ETEPs, which contain universe estimates and information, to help set the number, type, and frequency of EPA activities.
  4. Using targeted civil and criminal enforcement to ensure accountability for violations and to clean up contamination in Indian country to ensure that noncompliance does not result in a lesser degree of human health and environmental protection in Indian country than elsewhere in the United States. This activity is undertaken by:
    - Applying the EPA Indian Policy, the Tribal Enforcement Guidance, the [Questions and Answers on the Tribal Enforcement Process](#),<sup>21</sup> generally applicable enforcement response policies to address civil noncompliance, and the [Restrictions on Communications with Outside Parties Regarding Enforcement Actions Guidance](#).<sup>22</sup>
    - Identifying Tribes with the ability to participate in federal enforcement actions based on an independent claim, including the ability to share penalties collected consistent with applicable statutes, regulations, and policies, including the [Joint Collection of Penalties with State and Local Governments and Federally Recognized Indian Tribes](#).<sup>23</sup>
    - Applying penalty and settlement policies to ensure that the regulated community in Indian country is treated consistently for similar violations across the country.
  5. Reviewing Tribal government applications for regulatory program approval to ensure adequate compliance monitoring and enforcement authority (*i.e.*, TAS).

## SECTION IV. IMPLEMENTING OTHER CORE WORK

### A. Cross-program Activities

#### 1. Inspections and Off-site Compliance Monitoring Activities

EPA's on-site and off-site compliance monitoring programs are critical activities for detecting non-compliance, facilitating a return to compliance, and providing a deterrent effect. On-site inspections can vary in the scope of the review, including check-list inspections, process-based inspections, and inspections that include monitoring and sampling. The Enforcement and Compliance Program will continue to track the number of on-site federal inspections and off-site federal compliance monitoring activities conducted to enable us to assess compliance, create deterrence for noncompliance, support the permitting process, and establish a level playing field among regulated entities. Additionally, the Enforcement and Compliance Program will measure the number of federal inspections that affect communities with potential EJ concerns.

## 2. Compliance Monitoring Strategies

Compliance monitoring is a key foundation of environmental programs, and national consistency in approach, scope and coverage is essential for a level playing field. EPA, states, territories, Tribes, and local governments implementing approved programs follow national Compliance Monitoring Strategies (CMSs) for CWA-NPDES, RCRA, CAA, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and Toxic Substances Control Act (TSCA) programs. The CMSs provide regulators with a structure for targeting on-site inspections over time to deter noncompliance efficiently and effectively. Other important forms of compliance monitoring (e.g., self-reporting and third-party reporting) and compliance assistance (e.g., brochures, websites, and educational materials) perform vital complementary functions and are most effective as adjuncts to the robust field inspection programs recommended in the CMSs.

The CMSs have evolved over time and may be supplanted with approved Alternative Compliance Monitoring Strategies (ACMSs) to provide co-regulators with flexibility to address local pollution and compliance concerns, while maintaining the basic expectations for national regulatory program integrity. The CMSs improve communication between the EPA Regions and their co-regulators on compliance monitoring programs and provide a consistent and transparent baseline for EPA oversight of these programs (e.g., through the agreed-upon metrics in the State Review Framework). This collaborative ethic is further established in the: [ECOS Green Report: Alternative Compliance Monitoring Strategies](#).<sup>24</sup>

EPA and authorized states, territories, Tribes, and local governments should implement the most recent CMS or approved ACMS as appropriate, for the [CWA-NPDES](#),<sup>25</sup> [RCRA](#),<sup>26</sup> [CAA](#),<sup>27</sup> [FIFRA](#),<sup>28</sup> and [TSCA](#)<sup>29</sup> programs, including for inspections in the federal facilities sector, as appropriate and resources allow.

## 3. Data Reporting

Timely, accurate, and complete data is critical for the EPA and the public to analyze and understand the state of compliance with environmental regulations. Complete and current data enhance the EPA's ability to identify priorities, and evaluate program needs and effectiveness consistently and appropriately. The Enforcement and Compliance Program continues to improve data quality and is working to modernize its data management systems and practices in partnership with state/local agencies, Tribes, and territories, consistent with EPA's broader [Digital Strategy](#).<sup>30</sup> OECA is following the model of shared governance with regard to data management and the use of compliance and enforcement data through structures such as the ECHO Governance Team, and the Integrated Compliance Information System (ICIS) Modernization Board.

EPA and states, territories, Tribes, and local governments should continue to share complete, timely and accurate compliance and enforcement data with EPA in accordance with applicable regulations and Information Collection Requests.

#### 4. Tips and Complaints

One of the many approaches EPA uses to carry out its responsibility to assure compliance with environmental laws is to seek help from the public by asking them to provide us with information about potentially harmful environmental activities in their communities and workplaces. Members of the public give EPA such information through telephone hotlines, letters, the EPA's online system [Report Environmental Violation](#),<sup>31</sup> and other mechanisms. EPA uses these tips and complaints along with its other compliance-monitoring activities to identify areas where compliance and enforcement follow-up is warranted either at the federal, state, territorial, or Tribal level. EPA will track and assess complaints that provide a reasonable basis to believe a federal violation has occurred. Some tips and complaints will be referred to the state, territorial, Tribal, or local authorized programs. States, territories, Tribes and localities operating authorized programs should consider public tips and complaints when performing their compliance and enforcement functions.

#### 5. State and Direct Implementation Program Oversight and Improvement

EPA and states developed the State Review Framework (SRF) to periodically evaluate each authorized state enforcement and compliance program “to provide a fair and consistent level of core enforcement across the country” ([ECOS Resolution 98-9](#),<sup>32</sup> revised Sept 2016). The SRF is a national program to periodically evaluate performance of authorized states and EPA when they directly implement CAA, CWA and RCRA enforcement and compliance programs. This approach ensures that: (1) state and EPA implemented programs are evaluated consistently; (2) a level playing field exists for regulated businesses; (3) the public has similar protection from impacts of illegal pollution; and (4) timely compliance with national laws is widely achieved (where regions directly implement the federal program, OECA reviews regional programs using the same process and procedures for all SRF reviews).

EPA has continuously worked with states to identify and implement updates and improvements to the SRF program. In FY 2024, EPA is starting its fifth round of SRF reviews, which will continue through FY 2028. The SRF Round 5 will incorporate changes to the program developed through media-specific workgroups that included both regional and state participants, and incorporate comments from regions, states, and state associations. Additionally, the Enforcement and Compliance Program will continue to track and manage completion of SRF recommendations with a goal of closing approximately 55 SRF recommendations each year.

The Enforcement and Compliance Program is continuing to coordinate with EPA's Office of International and Tribal Affairs on efforts to improve the Agency's direct implementation activities in Indian country, including ensuring information is publicly available about entities that are located in Indian country and subject to federal environmental laws. The Enforcement and Compliance Program has been working to expand its enforcement oversight to implementation of the Safe Drinking Water Act (SDWA). The SDWA enforcement review pilots, which began in FY 2021, are based on a form of the State Review Framework and complement the existing Data File Reviews that already occur in the program. The enforcement reviews focus on activities after violation determination; assess enforcement actions; evaluate appropriate enforcement escalation; and ensure return to compliance. Beginning in FY 2024, the SDWA enforcement reviews were incorporated into the Drinking Water NECI, with an expectation that regions will complete at least one review per region each year.

## **EPA Activities**

### *Activities Where EPA is Directly Implementing the Program*

1. OECA will continue to conduct SRF reviews of state CAA, CWA, and RCRA programs directly implemented by EPA Regions.

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

2. Focus oversight resources on state programs that are not meeting minimum national performance standards.
3. Conduct SRF reviews of authorized state CAA, CWA, and RCRA enforcement programs.
  - Conduct SRF Round 5 reviews of state CAA, CWA, and RCRA enforcement programs following [SRF Round 5 guidance](#)<sup>33</sup> issued in FY 2024 and enter completed draft and final SRF reports into the SRF Manager database.
  - Discuss outstanding SRF recommendations with states as part of regularly scheduled annual program planning and review.
  - Work with states to encourage addressing recommendations in a timely fashion and enter evidence of completion into the SRF Manager database. In addressing state core program performance issues, regions should respond according to the approaches articulated in the [1986 Revised Policy Framework for State/EPA Enforcement Agreements](#),<sup>34</sup> as updated, and the [National Strategy for Improving Oversight of State Enforcement Performance](#).<sup>35</sup>
  - Elevate unresolved issues to OECA.

## **State, Territory or Local Government Activities in Authorized Programs**

1. Work cooperatively with the EPA regions to conduct SRF reviews as scheduled and implement recommendations within the agreed upon time frames included in the final SRF reports provided to the state or local agency.

2. Work cooperatively with the EPA regions to conduct pilot SDWA enforcement reviews in the SDWA program.
6. Field Activities: Inspector Credentialing, Quality Assurance Field Activities Procedures, and Final Policy on Inspection Report Timeliness

This section identifies EPA and co-regulator activities necessary to ensure the quality and efficiency of compliance monitoring field activities.

#### **EPA Activities**

1. Ensure EPA headquarters and regional inspectors are trained and credentialed consistent with Agency guidance.
2. When appropriate, authorize state, territorial, and Tribal inspectors to conduct inspections on the EPA's behalf. Ensure these inspectors are trained and credentialed consistent with Agency guidance, including the [Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA \(2004\)](#).<sup>36</sup>
3. Continue developing new Smart Tools capabilities for CAA 112(r) and TSCA led-based paint inspectors, while supporting and enhancing Smart Tools for RCRA, NPDES, underground storage tank (UST) and Good Laboratory Practices (GLP) inspectors.
4. Conduct field activities (e.g., inspections and investigations) in accordance with the procedures outlined in the [EPA Quality Assurance Field Activities Procedures](#)<sup>37</sup> (QAFAP).<sup>38</sup> Provide training to new staff on the EPA QAFAP guidelines and the established procedures and annual refresher training to existing staff.
5. Implement the [Final Policy on Inspection Report Timeliness](#).<sup>39</sup>
6. Support and encourage inspector training and development at EPA and in authorized states, territories, and Tribes.

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

1. Ensure inspectors who conduct inspections on behalf of EPA are trained and credentialed consistent with agency guidance, including the [Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA \(2004\)](#)<sup>40</sup> and other applicable guidance, policies and training templates on the EPA Inspector Wiki.<sup>41</sup>

#### **7. EPA's Lead Strategy**

Reducing lead continues to be a high priority for the Enforcement and Compliance Program. To support this effort, the Enforcement and Compliance Program participates in the Agency's [Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#),<sup>42</sup> (Lead Strategy). The Enforcement and Compliance Program has committed to contribute to each of the Lead Strategy's three key approaches, i.e.: (1) reduce lead exposures locally with a focus on communities with disparities and

promote EJ; (2) reduce lead exposures nationally through protective standards, analytical tools, and outreach; and (3) reduce lead exposures with a “whole of EPA” and “whole of government” approach. To that end, the Lead Strategy includes program-specific and cross-cutting commitments to Reduce Lead Exposure through Enforcement and Compliance Assistance (Lead Strategy Goal 1, Objective E).

Participation in the Agency’s Lead Strategy complements the Enforcement and Compliance Program’s continuing support of the [2018 interagency Federal Lead Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts](#),<sup>43</sup> under which OECA and the Regions continue to lead or contribute to Agency-wide endeavors to increase compliance with, and awareness of the importance of, lead-safe practices and conduct targeted geographic initiatives.

## B. Program-specific Activities

The following section outlines activities EPA and state, territory, Tribal, and local governments, where authorized, should conduct in specific program areas. The guidance in this program-specific activities section should be implemented in conjunction with the guidance in the Key Priorities, Working with Indian Tribes to Protect Public Health and the Environment, and Cross Programmatic Activities sections. When implementing this program-specific activities guidance, EPA and state, territory, Tribal and local governments, where authorized, should use the full suite of enforcement and compliance tools to address violations, protect human health and the environment, deter non-compliance, and provide a level playing field for regulated entities across the country.

Where a state, Tribe, or territory is an authorized program or is the primacy agency, EPA has an important oversight role and retains the authority to conduct compliance and enforcement activities. The program-specific activities in this section should be implemented consistent with the [2023 Guidance on Effective Partnerships Between EPA and the States in Civil and Compliance Assurance](#),<sup>44</sup> which outlines that effective partnership, regular communication, and shared accountability between EPA and authorized states, Tribes, territories are imperative to protecting human health and the environment.

### 1. Clean Air Act (CAA)

#### ***CAA Stationary Source Compliance Monitoring and Enforcement Program***

The compliance monitoring and enforcement activities for the CAA Stationary Source program are described below. See also sections II.C.1 and II.C.2 for descriptions of the *Reducing Air Toxics in Overburdened Communities* and the *Mitigating Climate Change National Enforcement and Compliance Initiatives (NECIs)*.

#### **EPA Activities**

The Enforcement and Compliance Program works together to implement Clean Air Act programs. OECA pursues national cases as appropriate and provides



technical and legal support to EPA regional offices as necessary and helps oversee the implementation of state, territorial, Tribal, and local government programs.

*General EPA Activities*

1. Help improve air quality across the nation. Focus compliance monitoring and enforcement work in underserved and overburdened communities. Look for opportunities to minimize the impacts of climate change.
2. Conduct compliance monitoring and enforcement activities to ensure compliance with the CAA.

*Activities where EPA is Directly Implementing the Program*

3. Consistent with the *Reducing Air Toxics in Overburdened Communities* NECI, evaluate sources located near communities that are potentially emitting hazardous air pollutants in violation of the National Emission Standards for Hazardous Air Pollutants (NESHAPs).
4. Consistent with the *Mitigating Climate Change* NECI, reduce methane and HAP emissions from oil and gas production and processing facilities, and from municipal solid waste landfills.
5. Evaluate sources with potential significant noncompliance in nonattainment areas or sources with potential significant noncompliance that contribute to nonattainment.
6. Support the development of programs and standards to reduce GHG emissions and evaluate sources subject to these programs.
7. Evaluate sources without permits or with area source status that may be misclassified and/or improperly permitted.
8. Use advanced monitoring tools such as the Geospatial Monitoring of Air Pollution (GMAP) and the Data Acquisition in Real Time (DART), data analysis tools and other information such as non-attainment areas, ECHO Clean Air Tracking Tool (ECATT), Air Toxics Screening Assessment data, chemical toxicity data, tips and complaints, and input from delegated agencies, as appropriate, to identify non-compliance.

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

1. Hold regular meetings and discussions with delegated agencies to promote program implementation in accordance with national policy and guidance such as the CMS, the [CAA National Stack Testing Guidance](#),<sup>45</sup> the [Timely and Appropriate Enforcement Response to High Priority Violations](#) (HPV Policy)<sup>46</sup>, and the [Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources](#) (FRV Policy).<sup>47</sup>
2. Provide training on new and existing Clean Air Act regulations and technical support on compliance monitoring and enforcement activities as appropriate and requested.
3. Negotiate CMS plans or ACMS plans with delegated agencies. Maximize the flexibilities by considering each agency's unique situation. Work together to develop strategies to reduce the number of nonattainment areas and



address air pollution impacts to vulnerable populations.

4. Continue reviewing state, Tribal, and territory implementation plan submissions for enforceability and continue reviewing Title V permits.

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

1. Meet CMS negotiated commitments annually.
2. Make use of the flexibilities provided in the CMS or an applicable ACMS to engage in innovative compliance monitoring and to address local priorities and issues of concern.
3. Initiate enforcement actions as appropriate and work to timely resolve enforcement actions in accordance with national policy and guidance such as the HPV Policy and the FRV Policy.
4. Identify areas where EPA can provide assistance and/or build capacity.

#### ***CAA Title II, Fuels Enforcement Program***

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

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

#### ***CAA Title II, Vehicle and Engine Enforcement Program***

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

1. Continue to investigate and prosecute violations of prohibitions in section 203(a) of the CAA.
2. Ensure that vehicles, engines, and equipment are properly covered by EPA-issued certificates of conformity (or are properly exempt) when introduced into United States commerce. During EPA certification, ensure the original equipment manufacturers (OEMs) perform proper emissions testing and are forthright with the EPA about the design of their product. Focus areas include the use of undisclosed engine software, some of which may constitute illegal defeat devices. Other focus areas include the failure to honor emissions warranties, report emissions defects, and otherwise inadequately maintain the emissions controls on vehicles, engines, and equipment during their useful lives.
3. Evaluate emissions controls on vehicles, engines, and equipment for illegal tampering. Focus on commercial fleets of trucks that remove filters and catalysts from their vehicles, and maintenance shops that remove emissions controls.
4. Evaluate companies that manufacture, sell, offer for sale and/or install aftermarket defeat devices. Focus on software products (commonly known as “tuners” and “tunes”) that are specifically designed to hack into and reprogram engine software for the purpose of defeating emissions controls in the engine (e.g., fueling strategy and exhaust gas recirculation) and in the exhaust (e.g., filters and catalysts). Focus on hardware products that inhibit exhaust gas recirculation systems, or that enable the removal of filters and catalysts from the exhaust system.
5. In partnership with U.S. Customs and Border Protection (CBP), target and inspect goods at the point of importation to determine whether vehicles, engines, and equipment being imported into the United States comply with the CAA. Advise CBP on whether to seize or otherwise refuse to allow goods into the United States.

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

The compliance monitoring and enforcement activities for the CAA 112(r) program are described below. See also [section II.C.6](#) for a description of the *Reducing Risks from Accidental Releases at Industrial and Chemical Facilities* National Enforcement and Compliance Initiative.

#### **EPA Activities**

##### *General EPA Activities*

1. Conduct all RMP inspections in accordance with the [Guidance for Conducting Risk Management Program Inspections Under Clean Air Act Section 112\(r\)](#)<sup>48</sup> (EPA 550-K-11- 001, January 2011).
2. Target a goal of conducting inspections at three percent of RMP facilities annually in FY 2025-2026.

3. Conduct at least 36% of RMP inspections at high-risk facilities. A limited number (less than 20%) of annual inspections may be RMP non-filer and/or CAA 112(r) GDC inspections.
4. Increase the number of credentialed inspectors in the 112(r) program to ensure adequate capacity to address non-compliance.
5. Work collectively to address serious situations of non-compliance, with a focus on protecting overburdened, vulnerable, and underserved communities, from the risks posed by those facilities. Particular focus should be placed on EJ and climate-related issues. Statistical information, such as co-location, should be incorporated into effective targeting schemes.
6. Investigate facilities that experience significant chemical accidents to determine compliance with CAA sections 112(r)(1) and (7) and pursue appropriate enforcement responses for violations.
7. As appropriate, evaluate facility compliance with Emergency Planning and Community Right-to-Know Act (EPCRA) sections 304 and 311/312 and CERCLA section 103 during RMP inspections.

*Activities Where EPA is Directly Implementing the Program*

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

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

1. Ensure compliance with the RMP requirements.
  2. Initiate enforcement actions as appropriate and work to resolve them in a timely manner.
2. Hydrofluorocarbon Compliance Monitoring and Enforcement, American Manufacturing and Innovation (AIM) Act of 2020

***Hydrofluorocarbon Compliance Monitoring and Enforcement Program***

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

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

1. Ensure the phase down of the production and consumption of climate damaging HFCs in the United States by 85% over the next 15 years.
2. Together with the Office of Air and Radiation (OAR) and the Department of Homeland Security (DHS), lead a federal interagency task force to prevent the illegal import and trade of HFCs.
3. In partnership with DHS's CBP, target and inspect goods at the point of import to determine whether HFCs being imported into the United States

comply with the AIM Act. Coordinate with CBP on the final disposition of violative HFC imports.

4. Investigate and seek prosecution for civil and criminal violations of the AIM Act. Use compliance monitoring tools and enforcement authority to address violations and bring parties back into compliance to protect air quality, deter noncompliance, and provide a level playing field for regulated entities across the country.
5. Ensure that all HFCs regulated under the AIM Act and imported into the United States meet required federal standards.
6. As part of the Climate Change NECI, EPA HQ will assist regions in developing expertise to conduct HFC related inspections and pursue follow-up enforcement.

### 3. Clean Water Act (CWA)

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

To date, 47 states and the Virgin Islands have applied for and received authorization from the EPA to implement the CWA Section 402 NPDES permit program. The EPA directly implements the program in three states (Massachusetts, New Hampshire, and New Mexico), the District of Columbia, Puerto Rico, U.S. Pacific Island Territories, and in Indian country as well as elements of the NPDES program for which a state or territory is not fully authorized. Essential EPA compliance monitoring and enforcement activities for the CWA NPDES program are described below.

#### **EPA Activities**

##### *General EPA Activities*

1. Conduct EPA NPDES compliance monitoring and enforcement activities to ensure NPDES permittees are complying with the CWA and regulatory/permit requirements and continue reducing the rate of significant noncompliance. Focus compliance monitoring and enforcement work in underserved and overburdened communities. Look for opportunities to minimize the impacts of climate change.
2. While many municipalities with raw sewage and stormwater discharge problems are working to address these issues through enforceable long-term agreements, these types of water pollution still pose significant threats to our lakes, rivers, and streams. EPA will continue to address combined sewer overflows, sanitary sewer overflows and municipal separate storm sewer system violations and monitor the progress of these long-term agreements, ensuring they are adapted to include green infrastructure practices, new pollution control technology and climate resilience and adaptation designs where appropriate.
3. EPA will continue to work with authorized states to identify and address illegal discharges of contaminated stormwater from industrial facilities and

construction sites and to ensure all NPDES-regulated entities that need a stormwater permit have one and are in compliance with it.

4. EPA, in collaboration with authorized states, will continue to conduct inspections and take enforcement actions to address CWA violations at concentrated animal feeding operations with the goal of protecting human health and reducing water quality impairment from animal wastes.
5. Continue to refer matters to and coordinate with EPA's Center of Excellence for Biosolids.
6. Provide hands-on technical assistance and training to overburdened systems in need of help returning to compliance via OECA's Compliance Advisor Program, in collaboration with regions, states and Tribes.
7. Implement NPDES regulatory requirements for [electronic reporting](#)<sup>49</sup> and work with authorized states, territories, and Tribes to ensure they implement the requirements.
8. Following joint planning, encourage authorized states to focus on ensuring that NPDES SNC/Category I violations are timely and appropriately addressed.
9. Meet the timely and appropriate enforcement response guidelines in EPA's [NPDES Enforcement Management System](#) (NPDES EMS).<sup>50</sup>

#### *Activities Where EPA is Directly Implementing the Program*

1. To ensure the most important water pollution problems are addressed, prioritize pollution problems involving NPDES-regulated point sources with serious violations and potential water quality or human health impacts for compliance monitoring inspections and, where appropriate, take enforcement actions.
2. Timely review self-monitoring reports from regulated entities and take timely and appropriate action to address NPDES SNC/Category I violations.
3. Implement the pretreatment program and other aspects of the NPDES program where the EPA is the permitting authority per statutory and regulatory requirements and consistent with applicable EPA guidance and policy.

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

1. Implement NPDES regulatory requirements for electronic reporting.
2. Follow the inspection goals or plans developed under the [NPDES CMS](#)<sup>51</sup> or approved Alternative CMS.

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

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

#### **EPA Activities**

### *General EPA Activities*

1. Consider referrals from U.S. Army Corps of Engineers (Corps) Districts under the 1989 memorandum of agreement ([MOA](#)),<sup>52</sup> recognizing the role of the Corps as the lead agency for enforcement for all but specifically identified cases, areas and activities.
2. Coordinate, as appropriate, with other federal and state, territorial, and Tribal agencies (e.g., Corps, Natural Resources Conservation Service (NRCS), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS)), which have significant roles in protection of regulated waters.
3. Meet with Corps Districts on an annual basis to establish regional priorities, and review field level agreements with Corps Districts and revise them to ensure consistency, as appropriate.
4. Work with the Corps Districts to identify potential repeat or flagrant unpermitted activity.
5. Utilize existing regional cross training opportunities as well as opportunities identified by OECA to cross-train inspectors and to train other federal and state, territorial, and Tribal agencies, and stakeholders to identify CWA Section 404 violations.

### *Activities Where EPA is Directly Implementing the Program*

6. Utilize inspection and information gathering authorities to investigate compliance with the CWA Section 404 program.
7. Develop enforcement actions to address unpermitted activity by repeat or flagrant violators or where the Corps has referred a case to the EPA.

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

8. Monitor and ensure compliance with the MOA and applicable federal regulations governing administration of CWA Section 404 between the State of Michigan and EPA Region 5, the MOA and applicable regulations governing administration of CWA Section 404 between the State of New Jersey and EPA Region 2, the MOA and applicable regulations governing administration of CWA Section 404 between the State of Florida and EPA Region 4, and the MOA and applicable regulations governing administration of CWA Section 404 for any state (with the appropriate EPA Region) which may assume the program.

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

1. Comply with the MOA and applicable federal regulations governing administration of CWA Section 404 between the State of Michigan and EPA Region 5, the MOA and applicable regulations governing administration of CWA Section 404 between the State of New Jersey and EPA Region 2, the MOA and applicable regulations governing administration of CWA Section 404 between the State of Florida and EPA Region 4, and the MOA and

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

### ***CWA Section 311 Oil Pollution Act Compliance Assurance and Enforcement Program***

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

#### **EPA Activities**

1. Target, inspect, and investigate facilities subject to the EPA Oil Spill Prevention and Response Program per the [Office of Land and Emergency Management's \(OLEM's\) National Program Guidance](#)<sup>53</sup> and take appropriate enforcement responses at facilities in non-compliance with Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) regulatory requirements.
2. Develop enforcement cases to address response plan violations at multiple facilities owned or operated by the same company. Where appropriate, consider use of company-wide injunctive relief requirements to bring all facilities of the owner or operator into compliance.
3. Conduct oil discharge enforcement investigations to identify and address significant discharge violations that reach waters of the United States.
4. Coordinate enforcement actions with the Pipeline and Hazardous Materials Safety Administration (PHMSA), recognizing that PHMSA is the regulatory authority at transportation related facilities. This coordination might include development of enforcement cases to address jurisdictional spills on a company-wide basis.
5. Defer to the Coast Guard, as appropriate, for oil discharges in the coastal zone.
6. Coordinate with states to address jurisdictional oil discharges from transportation-related facilities not regulated by PHMSA, recognizing the state as the regulatory authority for such facilities.
7. Whenever enforcement is pursued at non-transportation related onshore facilities subject to EPA regulations, the case development staff should evaluate all potential violations of CWA Section 311 and underlying regulations and consider including claims in the enforcement case to address spills and non-compliance with EPA regulations. The case team should consider appropriate penalties and actions necessary to bring a facility back into compliance and deter future noncompliance.

#### 4. Safe Drinking Water Act (SDWA)

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

Currently 49 states and the Navajo Nation have primary enforcement responsibility under SDWA Section 1413 for the PWS program (i.e., primacy). EPA directly implements the PWS program in Wyoming, the District of Columbia, and in Indian country (except the Navajo Nation).

The compliance monitoring and enforcement activities for those who oversee and those who implement the SDWA PWS Supervision Program are described below. These activities support the Strategic Plan goal to ensure clean and safe water by improving compliance at community water systems regulated under the SDWA. See also section II.C.5 for a description of the *Increasing Compliance with Drinking Water Standards at Community Water Systems* National Enforcement and Compliance Initiative.

##### **EPA Activities**

###### *General EPA Activities*

1. Conduct EPA compliance monitoring and enforcement activities to ensure: 1) PWSs are complying with the SDWA and its regulatory requirements; 2) primacy agencies and owners/operators of PWSs assess and address potential drinking water emergencies in a timely and effective manner; 3) ensure a rapid response for PWSs whose noncompliance poses a risk to public health, including ensuring timely notice to impacted community, addressing provision of alternative water if appropriate, and taking enforcement actions to address noncompliance or other risks to public health; 4) compliance with civil judicial consent decrees and administrative orders; 5) consistent implementation of EPA guidance and policies; and 6) the overall integrity of the PWS program is maintained.
2. Meet regularly with the Office of Water and primacy agencies to discuss PWS program priorities, improve coordination and collaboration, and avoid duplication of effort.
3. Develop strategies for targeting compliance assurance work and annual plans that consider the following focus areas as a high priority:
  - PWSs with violations and/or identified significant deficiencies, especially those significant deficiencies involving a written compliance plan and schedule of more than 12 months' duration and significant deficiencies related to technical, managerial, or financial capacity.
  - PWSs for which the EPA has reason to believe are at risk, including of future serious noncompliance (e.g., using predictive analytics).
4. Conduct PWS inspections, including EPA only or joint inspections with primacy programs, and other field activities to ensure that PWSs are



addressing violations, correcting identified significant deficiencies, and are otherwise in compliance with SDWA.

5. Collaborate with states, Tribes, and territories to ensure appropriate intervention (including enforcement) to address public health emergencies, resolve violations and prevent future serious noncompliance.
6. Prioritize CWSs for evaluation considering factors such as historical or current lead action level exceedances under the Lead and Copper Rule and systems with a high inventory of lead service lines, which is consistent with the goals and measures of the CWS NECI.
7. Conduct EPA compliance monitoring and enforcement activities to ensure compliance with SDWA section 1417, including that PWSs use “lead free” plumbing products in their systems as required by the law.
8. Initiate enforcement actions pursuant to SDWA section 1414 to resolve violations of applicable requirements.
9. Utilize SDWA section 1431 to address potential imminent and substantial endangerments involving PWSs or underground sources of drinking water.
10. Utilize SDWA Section 1433 to focus on cybersecurity threats and ensure that CWSs serving more than 3,300 persons conduct a Risk and Resilience Assessment of its system and develop, or update, an Emergency Response Plan. This is now an ongoing, rolling certification requirement every five years.
11. Timely report data to ICIS and any applicable programmatic databases of record.
12. Provide hands-on technical assistance and training to overburdened systems in need of help returning to compliance via OECA’s Compliance Advisor Program, in collaboration with states and Tribes.

*Activities Where EPA is Directly Implementing the Program*

13. Directly implement the program pursuant to SDWA Part B—Public Water Systems.

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

14. Collaborate with primacy programs to conduct and review sanitary surveys.
15. In coordination with EPA’s Office of Water, perform periodic evaluations of primacy agencies’ enforcement programs. See also section IV.A.5 *State and Direct Implementation Program Oversight and Implementation*.

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

1. Implement the approved program consistent with codified authorities and agreements, as reflected in the SDWA Part B – Public Water Systems.
2. Conduct inspections and other field activities to ensure that PWSs are addressing violations, correcting identified significant deficiencies and are otherwise in compliance with SDWA.

3. Assess SDWA Section 1433 compliance at community water systems to mitigate the risk of cybersecurity threats and provide resources to owners and operators of public water systems to assist in [cybersecurity assessments](#).
4. Ensure appropriate intervention (including escalated enforcement) to resolve violations and prevent future serious noncompliance.
5. Take appropriate and prompt action, which may include public notice, provision of alternative water or enforcement when appropriate, to address time critical situations in which the public's health may be threatened.
6. Work with EPA to conduct enforcement reviews of primacy agency drinking water programs.
7. When compliance schedules or orders are being developed, renewed, or modified, coordinate to ensure that they contain clear schedules and deadlines and allow for further intervention as appropriate.
8. Participate in any EPA lead workgroup as appropriate, workgroups including states may focus on implementation of new and upcoming requirements.

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

The SDWA authorizes EPA to enforce violations of applicable UIC requirements, under SDWA 1423, and to take action to address imminent and substantial endangerment (including endangerments to underground sources of drinking water), under SDWA 1431. Many states have primary enforcement responsibility, or primacy, under SDWA Section 1422 or 1425 for the UIC program. EPA directly implements the UIC program in states, territories, and Indian country without primary enforcement authority.

EPA may grant primacy for all or part of the UIC program, based on well class. In some jurisdictions, primacy for the UIC program may be shared between a primacy agency and EPA or divided among different state, territorial, or Tribal authorities. EPA approved UIC primacy programs for well classes I, II, III, IV, and V in 32 states and three territories. Two states have primacy for well classes I, III, IV, and V and two states have primacy for Class VI. Additionally, seven states and two Tribes have primacy for Class II wells only.

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

### **EPA Activities**

#### *General EPA Activities*

1. Focus UIC compliance and enforcement efforts on alleged violations that pose the greatest threat to public health and alleged violations that may contaminate or endanger underground sources of drinking water, particularly in vulnerable and overburdened communities.
2. Utilize the 1987 *Underground Injection Control Program Compliance Strategy for Primacy and Direct Implementation Jurisdictions*, or an appropriate regional enforcement strategy, to the extent practicable.

3. Initiate enforcement actions pursuant to SDWA section 1423 to resolve alleged violations, where appropriate.
4. Utilize SDWA section 1431 to address imminent and substantial endangerment to public health stemming from contamination by UIC wells, where appropriate.

*Activities Where EPA is Directly Implementing the Program*

5. Directly implement the program pursuant to SDWA and its implementing regulations at 40 C.F.R. Parts 144–149.

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

6. Oversee primacy programs to assess the effectiveness of UIC programs, especially in states, territories, or Tribes that recently received primacy.

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

1. Implement the approved program consistent with codified authorities and agreements, as reflected in 40 C.F.R. Part 147.
  2. Coordinate with EPA to review draft primacy program regulations throughout the development process including drafting and finalizing stages.
  3. Update or add finalized primacy UIC regulations in 40 CFR Part 147 to ensure proper codification and enforceability.
5. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

***CERCLA Enforcement Program***

The enforcement activities for CERCLA (also referred to as Superfund) are described below. EPA directly implements CERCLA.

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

1. The CERCLA cleanup enforcement program protects communities by ensuring that potentially responsible parties (PRPs) perform and pay for cleanups at Superfund sites and by encouraging third party investment in cleanup and reuse of Superfund sites.
2. These actions expand the Agency’s ability to clean up hazardous waste sites across the country, to bring human exposure under control, and to facilitate reuse of Superfund sites.
3. Use CERCLA enforcement tools to maximize PRP performance and payment for cleanup:
  - Identify and negotiate with PRPs as early as possible to perform or fund response activities.
  - Utilize enforcement tools and settlement incentives to obtain prompt cleanup commitments from PRPs.
  - Maximize recovery of response costs. For sites that still have future work needs, place those funds in Special Accounts to ensure continuation of cleanup work for those specific sites.

4. Accelerate PRP response action starts and PRP cleanup implementation:
  - Initiate timely Remedial Design/Remedial Action (RD/RA) negotiations after the Record of Decision issuance.
  - Complete RD/RA negotiations within one year (or sooner) from the start of negotiations.
  - If necessary, bifurcate RD work from RA work, with the goal of getting design started while negotiations continue.
  - Identify opportunities to increase the timeliness of PRP-lead actions under CERCLA and ensure long-term protection.
5. Facilitate redevelopment of sites by encouraging third-party participation in CERCLA cleanups:
  - Use prospective purchaser agreements, comfort/status letters and other enforcement tools to address the liability concerns of prospective purchasers and other third parties to foster the cleanup and redevelopment of Superfund sites.
6. Ensure effective use of Institutional Controls (ICs) to protect communities and facilitate Superfund remedies:
  - Support comprehensive IC assessment and planning in coordination with state and local partners to implement ICs earlier in the cleanup process.
  - Use enforceable mechanisms, monitoring systems, informational devices, and oversight strategies to ensure IC compliance and engagement with community stakeholders.
7. Use enforcement as a tool, throughout the CERCLA process to more quickly secure cleanup to prioritize communities that are overburdened and underserved.

## 6. Resource Conservation and Recovery Act (RCRA)

### ***RCRA Subtitle C Compliance Assurance and Enforcement Programs***

The compliance monitoring and enforcement activities for RCRA Subtitle C programs are described below. See also section II.C.4 for a description of the Coal Ash National Enforcement and Compliance Initiative.

### **EPA Activities**

#### *General EPA Activities*

1. Meet the inspection goals for generators and TSDFs as stated in the RCRA CMS.
2. EJ: Prioritize compliance monitoring and enforcement of non-complying facilities that are located in vulnerable or overburdened communities and pursue additional benefits for these communities in settlements.
3. Climate Change: In addition to the co-benefit of reducing contribution to climate change through existing enforcement and compliance efforts (e.g., implementing the Coal Ash program and bolstering emergency preparedness requirements of TSDFs vulnerable to impacts from extreme weather), use

existing and possibly develop new targeted tools to reduce the production of GHG emissions from waste manufacturing and disposal.

4. Training Opportunities: EPA intends to provide state trainings about various topics related to hazardous waste, the Coal Ash program, and RCRA air provisions. In addition, there are training opportunities already available on FedTalent for FedTalent registered users, including for states.
5. Directly implement the RCRA Subtitle C program. EPA currently directly implements the program in Alaska, Iowa, the Pacific Territories, Puerto Rico, Virgin Islands, and Indian country.
6. Meet statutory requirements to conduct a minimum number of inspections annually for TSDFs, operated by federal, state/local governments, and biennially for non-governmental TSDFs.
7. Consider the following focus areas as a high priority when developing strategies for targeting compliance assurance work and annual plans for respective activities in the regions:
  - PFAS: Consistent with EPA's Addressing Exposure to PFAS NECI and [PFAS Strategic Roadmap](#),<sup>54</sup> EPA will continue to seek to achieve site characterization, control ongoing releases that pose a threat to human health and the environment, ensure compliance with permits and other agreements to prevent and address PFAS contamination, and address endangerment issues as they arise. While the regulatory framework for PFAS continues to develop across multiple statutes, EPA has already taken a number of enforcement actions to ensure compliance with existing statutes, including action to address an imminent and substantial endangerment to communities. EPA will increase those efforts including using RCRA corrective action and cleanup statutory enforcement authorities as appropriate (i.e., RCRA section 3008(h), section 3013, and section 7003). See also section II.C(2) for a description of the Addressing Exposure to PFAS NECI.
  - RCRA AA/BB/CC: Ensure that all RCRA Comprehensive Evaluation Inspections (CEIs) at TSDFs and LQGs assess applicability of the hazardous waste air emission standards and, where possible, include LDAR monitoring. Regions should coordinate with OECA in advance of a planned inspection if it will not include LDAR monitoring in case additional resources can be made available.
  - Off-Site Compliance Monitoring: Participate in data collection efforts on outcomes related to use of off-site compliance monitoring.
  - Improper treatment at TSDFs/Waste Analysis Plans at TSDFs: Ensure proper characterization of incoming wastes, treatment and stabilization techniques, and the sampling and analysis of hazardous waste treated to meet the Land Disposal Restriction treatment standards for land disposal.

- RCRA Data Integrity: Perform analyses of different sources of generator data (e.g., e-Manifest, BR data, TSDf reports) using tools such as Metabase and RITA to enhance targeting efforts and identify instances of non-reporters, conflicting data, and potential underreporting. Regions are encouraged to use Smart Tools to capture inspection and off-site compliance monitoring data to enhance data integrity.
  - Core-RCRA Requirements: Assure compliance and enforcement of core RCRA requirements such as generator status, hazardous waste determinations, and proper treatment and disposal.
  - RCRA Corrective Action: Target and investigate facilities that have not made meaningful progress in achieving corrective action objectives, and financially marginal or bankrupt facilities. Monitor compliance with orders and permits, identify substantial noncompliance with such instruments, and take enforcement actions where appropriate. Monitor compliance with all corrective action requirements including long-term engineering and institutional controls.
8. Track TSDf inspection frequency for both operating and closed-with-waste-in-place facilities consistent with the legal provisions and policies described in the RCRA CMS.

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

1. Meet statutory requirements to conduct a minimum number of thorough inspections annually for TSDfs operated by federal, state/local governments, and biennially for non-governmental TSDfs.
2. Address, in annual work plans, the annual inspection goals stated in the RCRA CMS. States may use the flexibilities described in the RCRA CMS.

***RCRA Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program***

**EPA Activities**

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

1. Assess compliance with the CCR Rules, including reviewing documents posted to facility CCR web sites, and develop appropriate enforcement responses.
2. Support OLEM and the efforts to establish and implement the overall CCR program.
3. Ensure coordination with regional and state non-CCR programs that may be regulating and/or permitting CCR units.

*Activities Where EPA is Directly Implementing the Program*

4. Utilize EPA's authority to enforce requirements for CCR surface impoundments and landfills. Prioritize and address the most serious CCR

violations at coal burning utilities, which may include assessing appropriate penalties and developing injunctive relief to address violations at those CCR units that pose the greatest risk to human health and the environment of the communities around the facilities.

5. Coordinate compliance assessments and enforcement actions, as necessary, with states that do not have an approved CCR program and offer general and subject specific CCR training for states that request such training.
6. Coordinate compliance assessments and enforcement actions, as necessary, with Tribal and Territory Governments, and offer general and subject specific CCR training for those governments that request such training.

*EPA Activities in States with Approved Programs*

7. Coordinate with states as they continue to implement their approved CCR programs and ensure facility noncompliance is addressed through state and EPA efforts, as appropriate.
8. Offer CCR training opportunities.

**Expectations for States with Approved Programs**

1. Coordinate with EPA to implement and enforce the CCR regulations.

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

A major focus of the RCRA Subtitle I program (RCRA UST program) is to maintain an enforcement presence concerning leak prevention, leak detection, corrective action, closure, and financial responsibility violations. The compliance monitoring and enforcement activities for the RCRA UST program are described below.

**EPA Activities**

*Activities Where EPA is Directly Implementing the Program*

1. Directly implement the UST program in Indian Country and where a state or territory has not received program approval and is not operating under a memorandum of agreement with EPA.
2. Work to incorporate EJ considerations throughout enforcement activities (from inspection targeting strategies to enforcement remedies).
3. Inspect USTs at least once every three years to determine compliance with RCRA Subtitle I and the underground storage tank regulations.
4. Consider the following focus areas as high priority when developing strategies for monitoring compliance:
  - UST operation and maintenance requirements:
  - UST systems deferred in the 1988 UST regulations.
  - UST system Class A, B, and C operator training/verification of knowledge requirements met (new 2018 requirement).
5. When appropriate, issue field citations, expedited settlements, and prohibitions on delivery to achieve quick return to compliance while efficiently stewarding Agency resources.

6. Optimize compliance and deterrence by addressing noncompliance on a corporate-wide basis.
7. Work with the states on enforcement-related matters (including the use of delivery prohibition, where appropriate) to address significant noncompliance.

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

8. Where states request that the EPA take the lead, meet statutory requirements for UST inspections that will produce the greatest environmental and human health benefits, and when taking enforcement actions, utilize cost effective tools such as field citations or expedited settlements, when appropriate. Factors to consider in identifying facilities for inspection under the UST program include:
  - Owners and operators managing UST facilities in multiple states,
  - Mid-level distributors operating multiple UST facilities,
  - Problem non-compliers (i.e., repeat violators; owners/operators who fail to cooperate in an effort to return to compliance),
  - Owners and operators of facilities with USTs that endanger sensitive ecosystems or sources of drinking water,
  - Corporate, government-owned, and federal central fueling facilities; and
  - Owners and operators of UST facilities in areas with potential EJ concerns.

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

1. States have primary responsibility for determining facility compliance, ensuring adequate inspection coverage of the regulated universe, and taking appropriate actions in response to non-compliance.
  2. Meet statutory requirements to conduct UST inspections in a manner that will produce the greatest environmental and human health benefits, including meeting statutory requirement to inspect each UST at least once every three years.
  3. Ensure that the most serious instances of noncompliance are addressed through targeted inspections and enforcement.
  4. Optimize compliance and deterrence through the use of delivery prohibition and other efficiencies.
  5. Ensure compliance with UST compatibility requirements with new and emerging fuels.
7. Toxic Substances Control Act (TSCA)

***TSCA Lead Risk Reduction Compliance Assurance and Enforcement Program***

The compliance monitoring and enforcement activities for the TSCA Lead Risk Reduction program are described below. EPA implements the Lead Disclosure Rule nationwide. Most states are authorized to implement and enforce programs



equivalent to the Lead-based Paint Activities Rule, and fifteen states and one Tribe are authorized by the EPA to implement and enforce federally equivalent Renovation, Repair and Painting (RRP) programs. Reduction of lead exposure continues to be a top priority for the Enforcement and Compliance Program through supporting EPA's 2022 [Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#) (Lead Strategy)<sup>55</sup> and the 2018 [Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts](#).<sup>56</sup>

## **EPA Activities**

### *General EPA Activities*

The EPA focuses its Lead Paint compliance and enforcement activities on the RRP Rule and the Lead Disclosure Rule. The agency's secondary focus is on compliance and enforcement of the Lead Activities Rule in the limited jurisdictions without an authorized state or Tribal program. The regions are expected to incorporate into their programs the focus area activities and approaches (described below) to maximize the deterrent effect of enforcement actions while supporting and complementing existing regional Lead Paint compliance assurance plans, prioritizing work in vulnerable and overburdened communities. Overall, regions should:

1. Target compliance monitoring and, as appropriate, take cases against regulated entities whose violations of Lead Paint rules are most likely to cause potential lead exposures. Regions should assess compliance with both the RRP and Lead Disclosure Rules but are not expected to prioritize enforcement of one rule over the other unless the potential lead paint exposures and needs of a particular community necessitate a heightened focus on renovation activities over disclosure activities, or vice versa.
2. Conduct inspections and other compliance monitoring activities in accordance with applicable guidance, including but not limited to the Inspection Manual for the Lead RRP Rule. To continue the EPA strategic goal of advancing EJ, regions should use the resources and tools in the EJ Toolkit for Lead Paint Enforcement Programs in conducting such activities.
3. Consistent with the Enforcement and Compliance Program's role implementing the Agency's Strategy to Reduce Lead Exposures and Disparities in U.S. Communities (described above and on page 13 *infra*), the national Lead Paint enforcement and compliance program will direct enforcement resources to at least one community with environmental justice concerns in each Region, to help address the exposures to lead in that community and take appropriate enforcement action. As well as, each year, publicly report on national statistics related to lead cleanups and inspections, including whether the inspections occurred in communities with environmental justice concerns.

### *Activities Where the EPA is Directly Implementing the Program*

4. Large Firms  
Regions should focus resources on and prioritize investigations of regulated

individuals, renovation firms, general contractors, property management companies, apartment owners, real estate professionals, housing agencies, and others (collectively, “firms”) whose activities or properties have the potential to put the most individuals at risk of exposure to lead paint. Indicators of a firm’s significant potential impact may include, for example, performing renovations in a high volume of homes or child-occupied facilities or managing or conducting a large number of transactions requiring lead disclosure. Such firms include (but are not limited to) businesses that operate through multiple locations throughout a state, region, or nationwide; or a large business that operates through a single location that conducts many renovations or manages many properties.

5. Geographic Initiatives

Regions should continue to use targeted geographic approaches to focus EPA’s compliance and enforcement resources for maximum impact. In addition to focusing on large firms (as described above), regions should conduct at least one geographic initiative per year, and the initiative(s) should strive to effectuate the Enforcement and Compliance Program’s commitments in EPA’s Lead Strategy, especially to strengthen compliance in communities with EJ concerns.

The geographic initiative may overlap with the Focus on Large Firms or be separately targeted, but regions should collaborate with programmatic staff to leverage other EPA community-focused outreach and compliance tools, especially outreach by the Office of Pollution Prevention and Toxics. Regions should consider locales based on factors discussed in the geographic initiative’s implementation principles and the TSCA Compliance Monitoring Strategy which include, among other things, indicators of disproportionate impact from lead exposures, EJ concerns, a concentration of elevated blood-lead levels and/or pre-1978 properties, and opportunities to partner with other stakeholders, including community groups, tenant organizations, local code enforcement offices, Tribal agencies, housing agencies and other co-regulators.

Regions are encouraged to assess the impact and effectiveness of their geographic initiatives by tracking outcomes such as, for example, outreach to firms, new firm and renovator certifications, abatements, distribution of lead hazard information to tenants, and other lead hazard reduction outcomes in the selected community.

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

6. For authorized states and Tribes receiving TSCA State and Tribal Assistance Grant (STAG) funding, regions must submit an electronic copy of the state submitted End-of-Year Report for each Lead-based Paint program funded through the Toxics Substances Compliance Monitoring Grant program.

7. Conduct appropriate oversight of authorized state § 402 and § 406 programs.

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

Cooperate with the EPA through existing TSCA authorities to protect human health and the environment more effectively from exposure to lead-based paint by:

1. Utilizing TSCA STAG funds following existing policies and guidance.
2. Where authorized, conducting lead paint compliance monitoring and enforcement activities.
3. Where authorized, implementing the RRP, abatement, and pre-renovation education programs.

### ***TSCA New and Existing (Core TSCA) Chemicals Compliance Assurance and Enforcement Programs***

The program is federally implemented and not delegable to states, territories, or Tribes. Proper implementation of the TSCA amendments is one of EPA's top priorities.

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

1. Work collectively on the focus areas outlined herein to monitor compliance and develop high-impact cases.
2. Conduct inspections in accordance with applicable guidance, including, but not limited to, the Core TSCA Inspection Manual.
3. Target a goal of conducting at least 50% of inspections or off-site compliance monitoring activities at facilities manufacturing, processing, or using chemicals regulated by Section 4, 5, or 6 orders and rules.
4. Focus enforcement on the new regulatory and statutory requirements introduced by the amended Frank R. Lautenberg Chemical Safety for the 21st Century Act.
  - a. The amendments to TSCA Section 4 gave EPA authority to issue orders to manufacturers and processors of certain chemical substances requiring the development of testing. In coordination with the Office of Pollution Prevention and Toxics (OPPT), OECA and Regions should monitor for the timely and complete submission of testing in accordance with the requirements listed in Section 4 test orders.
  - b. The amendments to TSCA Section 6 require EPA to issue regulations on High Priority Substances and chemicals that meet the statutory criteria for persistent, bioaccumulative, and toxic chemicals. OECA and Regions should monitor compliance with these regulations. Conduct inspections in accordance with applicable guidance, including, but not limited to, the Core TSCA Inspection Manual.
5. OECA and Regions should monitor compliance with chemical reporting and record keeping requirements pursuant to TSCA Section 8, such as the PFAS

- 8(a)(7) Reporting Rule, the 2024 Chemical Data Reporting Rule requirements, and substantial risk notifications under TSCA section 8(e).
6. OECA and Regions should monitor chemical substances and articles imported into the United States for compliance with TSCA Sections 5, 6, and 13.
  7. OECA and Regions should investigate facilities subject to TSCA Section 5 orders and rules with a focus on orders and rules with workplace protection requirements and chemicals used in the plastics industry.
  8. OECA and Regions should place special emphasis on chemicals of concern such as PFAS, Persistent, Bioaccumulative, and Toxic (PBT) substances, and other high priority substances identified in EPA's Chemical Prioritization Process.

### ***TSCA Polychlorinated Biphenyls (PCBs) Compliance Assurance and Enforcement Program***

The PCB program under TSCA § 6(e) covers the manufacture, processing, distribution in commerce, use, disposal, and cleanup of PCBs. The program is federally implemented and not delegable to states, territories or Tribes. However, eight states, through cooperative agreements, conduct inspections with federal credentials on EPA's behalf. In implementing the federal program, EPA's intent is to provide flexibility for regional TSCA initiatives to consider unique regional situations, available resources, and approaches including integrating PCB compliance monitoring into their inspection processes and protocols when inspecting a facility subject to other statutory requirements.

### **EPA Activities**

#### *General EPA Activities*

1. Work collectively on nationally significant focus areas to take high-impact cases to prevent, reduce or eliminate releases of PCBs to the environment.
2. When directing compliance monitoring and enforcement efforts, prioritize sites in proximity to vulnerable communities and sub-populations (e.g., children).

#### *Activities Where EPA is Directly Implementing the Program*

3. As part of Regional strategic planning, Regions should consider the following focus areas when developing plans for compliance monitoring and enforcement:
  - PCB spills, abandoned buildings still containing electrical equipment and uncontrolled disposal sites, located in communities with EJ concerns and other large residential communities, should be inspected. Responsible parties or redevelopers, able to remediate these sites, should be compelled through enforcement mechanisms or assisted using regulatory or policy tools, to conduct site cleanups.
  - Approved commercial PCB storage, treatment or land disposal facilities in coordination with state and tribal RCRA programs, as those resources are available.

- Unapproved facilities (e.g., used oil recyclers, wastepaper recycling mills) should be inspected as resources permit.
  - Respond to “tips and complaints” that have the potential for illegal disposal or significant exposure to PCBs.
4. The TSCA PCB program under TSCA § 6(e) is federally implemented and cannot be delegated. However, most states and territories regulate PCBs under their state clean water, clean air, or hazardous waste programs. EPA will continue to explore opportunities to coordinate compliance monitoring and enforcement activities with states that regulate PCBs under state programs and territories and Tribes that develop such programs.

#### **Expectations for State, Territory, and Tribal Programs**

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

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

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

#### **EPA Activities**

##### *General EPA Activities*

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

##### *Activities Where EPA is Directly Implementing the Program*

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

3. Address the most egregious violations of AHERA consistent with the TSCA CMS, the TSCA Inspection Manual, and the Enforcement Response Policy (ERP).
4. In states that have non-waiver status, review and evaluate inspection reports to determine the appropriate enforcement response.
5. For states and Tribes that do not have a cooperative agreement with the EPA, address asbestos worker protection issues not covered by the Occupational Safety and Health Administration when possible.

6. Utilize EPA's AHERA Center of Excellence to foster asbestos compliance monitoring and enforcement activities.

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

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

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

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

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

***FIFRA Compliance Assurance and Enforcement Program***

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

**EPA Activities**

*Activities Where the EPA is Directly Implementing the Program*

1. Directly implement the FIFRA program consistent with the FIFRA CMS including, but not limited to, conducting GLP inspections to monitor compliance with regulatory requirements for conducting studies that support pesticide registrations.
2. Work to incorporate EJ considerations throughout enforcement activities (from inspection targeting strategies to enforcement remedies).
3. Consider the following focus areas as high priority when targeting compliance assurance work and developing annual plans for respective activities in the regions:
  - eCommerce—Identify and monitor websites that are involved in the sale (including offering for sale) of pesticides and/or pesticide devices that pose a high risk of harm to human health or the environment including, but not limited to, unregistered pesticides with unapproved claims, or pesticide devices with false or misleading claims, restricted-use pesticides and Toxicity Category 1 pesticide. Compliance activities should also include identifying the manufacturers of these products to monitor their compliance with FIFRA requirements. Initiate enforcement actions for non-compliance, as needed.
  - Product Integrity—Conduct inspections at marketplaces (particularly those in communities with potential EJ concerns) and pesticide-and device-producer establishments to monitor compliance with FIFRA requirements including establishment and pesticide registration,

packaging, label and labeling contents, efficacy, composition, and reporting. Initiate enforcement actions for non-compliance, as needed.

- **Import Compliance**—Prevent illegal pesticides and pesticide devices from entering U.S. channels of trade utilizing data sources, such as the Automated Commercial Environment (ACE) and EPA data sources, for the selection of targets for desk audits and inspections of incoming pesticide shipments, and support national operations initiatives conducted by CBP’s Commercial Targeting and Analysis Center (CTAC). Initiate enforcement actions for non-compliance, as needed.
- **Worker Protection Standard (WPS)**—Conduct inspections to monitor compliance with WPS regulations where EPA has direct implementation responsibility for use inspections. Target inspections at establishments where the use of pesticides poses a high risk of harm to human health through potential or actual significant worker exposure. This may include, but is not limited to, establishments where workers harvest, thin, and prune crops and pesticide handlers’ mix, load, and apply pesticides. Initiate enforcement actions for non-compliance as needed including instances where the region has determined state enforcement efforts to address significant incidents was inadequate.

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

4. Continue collaboration between EPA and states, territories, and Tribes through existing FIFRA authorities to effectively protect human health and the environment against harm from pesticides and pesticide devices through:
  - **Cooperative Agreements**—Negotiate and oversee implementation of and review state, territory, and Tribal performance under pesticide enforcement cooperative agreements following existing policies and guidance including but not limited to, the FIFRA Cooperative Agreement Guidance and the National Program Guidance. Consider targeting oversight activities where grantees have monitored WPS compliance.
  - **Collaborative Compliance Assurance**—Work with states, territories, and Tribes to support one another’s compliance monitoring and enforcement activities consistent with the respective authorities established under FIFRA, including FIFRA Section 27. Encourage states to identify enforcement cases that could benefit from federal enforcement by the EPA.

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

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

The compliance monitoring and enforcement activities for the EPCRA section 313 TRI program are described below.

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

1. Directly implement the EPCRA Section 313 program and work collectively on nationally significant focus areas to take high-impact TRI cases.
2. Maintain cross-trained TRI credentialed inspector(s).
3. As part of integrating TRI into other media inspections and cases, ECAD Directors should encourage each enforcement program to incorporate OECA/Office of Chemical Safety and Pollution Prevention (OCSPP) developed TRI targeting information when identifying and prioritizing targets for air, water, or waste inspections.
4. Integrate TRI compliance monitoring into inspection processes and protocols when inspecting a facility subject to other statutory requirements (e.g., TSCA, CAA, RCRA, and/or CWA). Regions are encouraged to use the TRI screening checklists developed by the TRI Center to determine whether a multimedia facility is likely subject to EPCRA section 313.
5. Identify, develop, and appropriately litigate/resolve complex, national (multi-facility, multi-region) TRI cases and TRI violations in cases developed as part of a multimedia inspection, or from a standalone TRI inspection, as resources allow. TRI violations can be litigated/resolved separately or as part of a multimedia case.
6. As part of Regional strategic planning, regions should consider the following focus areas when developing plans for compliance monitoring and enforcement:
  - a. Regions should prioritize compliance monitoring of targets based upon their own regional priorities and, as resources allow, categories of concern including potential never-reporters, non-reporters, facilities with potential significant data quality issues, and potential chronic late-reporters.
  - b. Regions should address the priorities developed by OECA, in coordination with OCSPP, including communities, particularly those with EJ concerns; chemicals with climate impact; chemicals of concern such as PFAS, PBTs; new regulations; chronic late filers; and facilities whose releases have the most impact on the TRI database.
  - c. OECA and the regions should work with the TSCA, CAA, RCRA, and CWA compliance and enforcement programs to add questions about EPCRA section 313 compliance to information requests or inspection checklists where appropriate, evaluate the responses and take appropriate enforcement actions, consistent with national policy, or combined with other enforcement actions.

### **10. Federal Facilities**



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

## **EPA Activities**

### *General EPA Activities*

1. Hold the federal government accountable to the same standard of environmental compliance as other members of the regulated community.
2. Focus resources to ensure federal facilities' compliance under EPA's NECl, particularly PFAS, Climate Change, Drinking Water and CAA 112r NECl.
3. As part of the *Addressing Exposure to PFAS* NECl, utilize enforcement oversight to evaluate PFAS characterization and control activities at the approximately 800 federal facilities with known or suspected PFAS contamination to ensure these facilities meet all environmental obligations, as well as continue to address imminent and substantial endangerment situations at federal facilities.
4. Focus resources to address other agency priority areas including communities with EJ concerns, and public health threats posed by lead exposure, including lead-based paint exposure in privatized military housing.
5. Take timely and appropriate enforcement actions to address and deter noncompliance at federal facility Superfund NPL sites, particularly in communities with EJ concerns.
6. Expedite cleanup and redevelopment, and ensure cleanup adheres to Federal Facility Agreements and dispute timelines, particularly in communities with EJ concerns.
7. Except where EPA directly implements a regulatory program, work with state, territorial, Tribal, and local government partners to address noncompliance at federal facilities, and when appropriate, collaboratively work towards coordinated compliance monitoring and response actions, or the assignment of appropriate roles for each entity.
8. Meet statutory requirements to conduct annual inspections of TSDFs under RCRA at federal facilities.
9. Build the capacity of state, territorial, Tribal, and local governments to address noncompliance at federal facilities.
10. Use enforcement response, as warranted, and employ the creative use of EPA enforcement and settlement tools, supplemental environmental projects, and self-disclosures to achieve expedited settlements and other consent agreements in accordance with EPA policy.
11. Provide compliance assistance to regulated federal entities, e.g., through FedCenter, to improve federal facility compliance with regulatory requirements.
12. Partner and build relationships across the federal family to help identify and address compliance issues through strategic collaborative efforts.

### *Activities Where EPA is Directly Implementing the Program*

13. Address noncompliance at federal facilities with an appropriate EPA response, including the use of compliance monitoring, enforcement, and compliance assistance.
14. Consult and collaborate with state, territorial, Tribal, and local government partners, and other impacted stakeholders as appropriate to ensure the protection of public health.
15. Meet all statutorily required federal facility inspection requirements.  
*EPA Activities in Authorized Programs (States, Territories, Tribes, or Local Governments)*
16. Provide leadership and assistance in addressing federal facility noncompliance, particularly where unique or limited enforcement authorities or other special considerations in federal facility enforcement inhibit a state's, territory's, or Tribe's ability to quickly act to address the noncompliance.
17. Meet, in conjunction with authorized state and Tribal regulators, all statutory federal facility inspection requirements, including the RCRA TSDF annual inspection requirement for federal facilities.
18. Build the capacity of authorized state, territorial, Tribal, and local government partners, through joint planning, compliance monitoring, and employment of appropriate enforcement strategies to address federal facility noncompliance.

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

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

**11. Criminal Enforcement Program**

The compliance monitoring and enforcement activities for the criminal enforcement program are described below.

**General EPA Activities in the Criminal Enforcement Program**

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

1. Refer to the criminal enforcement program for consideration any matter that appears to be criminal in nature.
2. Revise/update existing case screening policy memoranda to ensure that the criminal and civil enforcement programs are coordinating to ensure the optimal enforcement response to violations of federal environmental laws.

3. Conduct case screening sessions to agree upon the appropriate enforcement response to a potential criminal offense.

OCEFT will:

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

## SECTION V. FLEXIBILITY AND GRANT PLANNING

### A. FIFRA Cooperative Agreement Guidance

The purpose of this guidance is to identify pesticide program and compliance and enforcement program areas that must be addressed in states, territories, and Tribal cooperative agreements and to provide information on work plan generation, reporting and other requirements. The [FY 2022-2025 FIFRA Cooperative Agreement Guidance](#)<sup>57</sup> was issued in 2021. The FY 2026-2029 Guidance is expected to be issued in 2025.

### B. TSCA Compliance Monitoring Guidance

EPA regional offices should use the TSCA Compliance Monitoring Grant Guidance to negotiate and manage TSCA state and Tribal grants to conduct compliance assurance and enforcement activities. The most recent version can be found here: [TSCA Grant Guidance](#).<sup>58</sup>

### C. National Environmental Performance Partnership System (NEPPS)

Through the National Environmental Performance Partnership System (NEPPS), OECA encourages the continued use of Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs) as vehicles for continuous collaboration and for increasing administrative, financial, and programmatic flexibilities for states, Tribes, and territories, as appropriate. More information on NEPPS, PPAs, and PPGs can be found at:

- [Office of Congressional and Intergovernmental Relations \(OCIR\) National Program Guidance](#)<sup>59</sup>
- [EPA's NEPPS Website](#)<sup>60</sup>
- [EPA Assistance Listings, Performance Partnership Grants \(sam.gov\)](#)<sup>61</sup>

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

In 1994, [Executive Order 12898](#) was issued to direct Federal agencies to incorporate achieving environmental justice into their mission. The Presidential Memorandum accompanying that Executive Order required in part, that consistent with Title VI, each Federal agency "...ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin." See Presidential Memorandum at [https://www.epa.gov/sites/default/files/2015-02/documents/clinton\\_memo\\_12898.pdf](https://www.epa.gov/sites/default/files/2015-02/documents/clinton_memo_12898.pdf).

EPA enforces federal civil rights laws that together prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex, and age, respectively Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title IX of the Education Amendments of 1972 (Title IX), Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) and the Age Discrimination Act of 1975 (Age Discrimination Act). All applicants for and recipients of EPA financial assistance have an affirmative obligation to comply with these laws, as do any subrecipients of the primary recipient, and any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. See federal civil rights laws and EPA's regulation at <https://www.epa.gov/external-civil-rights/federal-civil-rights-laws-including-title-vi-and-epas-non-discrimination>.<sup>1</sup>

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<sup>1</sup> See Title VI, 42 U.S.C. 2000(d) et seq.; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974) (finding that the government properly required language services to be provided under a recipient's Title VI obligations not to discriminate based on national origin); 40 C.F.R. § 7.35(a). See also U.S. EPA, *Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*. 69 FR 35602, June 25, 2004. Available at: <https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to->

EPA’s nondiscrimination regulation at 40 C.F.R. Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including sub-recipients) of EPA financial assistance. These requirements include having a notice of nondiscrimination, nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and pursuant to Title VI and the Rehabilitation Act of 1973, developing policies and procedures for ensuring meaningful access to programs and activities for individuals with limited-English proficiency and individuals with disabilities. In addition, recipients’ public participation processes must also be implemented consistent with the federal civil rights laws.

EPA furthers recipients’ compliance with these obligations through pre-award reviews, technical assistance and training, additional clarifying guidance and enhanced civil rights enforcement. Accordingly, EPA will carefully evaluate to ensure all recipients are in compliance with federal civil rights obligations. See website for Preaward information, [Tips for Completing EPA Form 4700-4](#).

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

## SECTION VI. FY 2025 NATIONAL PROGRAM MEASURES

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

### FY 2025 National Program Guidance Measures

BFS Code	Measure Title	FY 2025 National Planning Target	Comments/Clarification
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[environmental-protection-agency-financial-assistance-recipients-regarding-title-vi](#); U.S. EPA, Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 FR 14207, March 21, 2006. Available at: [https://www.epa.gov/sites/default/files/2020-02/documents/title\\_vi\\_public\\_involvement\\_guidance\\_for\\_epa\\_recipients\\_2006.03.21.pdf](https://www.epa.gov/sites/default/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf)); U.S. EPA, [Procedural Safeguards Checklist for Recipients](#). Available at: [https://www.epa.gov/sites/production/files/2020-02/documents/procedural\\_safeguards\\_checklist\\_for\\_recipients\\_2020.01.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/procedural_safeguards_checklist_for_recipients_2020.01.pdf) (rev. Jan. 2020) (which provides a more detailed explanation of nondiscrimination obligations and best practices); U.S. EPA, Disability Nondiscrimination Plan Sample, at [https://www.epa.gov/sites/production/files/2020-02/documents/disability\\_nondiscrimination\\_plan\\_sample\\_for\\_recipients\\_2020.01.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/disability_nondiscrimination_plan_sample_for_recipients_2020.01.pdf). (2017).

409	Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities	12,000	EPA National Total
450	Percent of federal annual EPA inspections at facilities that affect communities with potential environmental justice concerns	55%	EPA National Percentage
444	Percentage of EPA inspection reports sent within 70 days of inspection	75%	EPA National Percentage
436	Number of all referred no complaint filed (RNCF) civil judicial cases more than 2.5 years old	94	EPA National Total
434	Millions of pounds of pollutants and waste reduced, treated, or eliminated through concluded enforcement actions	No Target	EPA National Total

## SECTION VII. CONTACTS

<b>Subject/Program Area</b>	<b>Contact Name</b>	<b>Phone</b>	<b>Email</b>
OECA National Program Guidance Coordination	Michele McKeever	202-564-3688	mckeever.michele@epa.gov
OECA National Program Guidance Coordination	Aimee Hessert	202-564-0993	hessert.aimee@epa.gov
Civil Enforcement	Margaret Amao	202-564-8631	amao.margaret@epa.gov
Compliance Monitoring	Melissa Schefski	303-312-6842	schefski.melissa@epa.gov
Criminal Enforcement	Rebecca Russo	303-501-7941	russo.rebecca@epa.gov
Federal Facilities	Dominique Freyre	202-564-0433	freyre.dominique@epa.gov
Indian Country and Tribal Government Issues	Jonathan Binder	202-564-2516	binder.jonathan@epa.gov
Superfund Enforcement	Paul Borst	202-564-7066	borst.paul@epa.gov

## Notes

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- <sup>1</sup> <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>
- <sup>2</sup> <http://www.epa.gov/system/files/documents/2023-09/epasclimateenformentandcompliancestrategy.pdf>
- <sup>3</sup> <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>
- <sup>4</sup> <https://www.epa.gov/system/files/documents/2023-06/effectivepartnershipsbetweenepaandthestatesincivilenforcementandcomplianceassurance062123.pdf>
- <sup>5</sup> <https://www.epa.gov/sites/default/files/2021-04/documents/strengtheningenforcementincommunitieswithconcerns.pdf>
- <sup>6</sup> <https://www.epa.gov/sites/default/files/2021-04/documents/usingallappropriateinjunctiverelieftoolsincivilenforcementsettlement0426.pdf>
- <sup>7</sup> <https://www.epa.gov/enforcement/supplemental-environmental-projects-seps>
- <sup>8</sup> <https://echo.epa.gov/>
- <sup>9</sup> <https://www.epa.gov/system/files/documents/2021-07/strengtheningejthroughcriminal062121.pdf>
- <sup>10</sup> <https://www.epa.gov/system/files/documents/2021-07/strengtheningenvirjustice-cleanupenfaction070121.pdf>
- <sup>11</sup> <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>
- <sup>12</sup> <https://www.epa.gov/system/files/documents/2023-09/epasclimateenformentandcompliancestrategy.pdf>
- <sup>13</sup> <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>
- <sup>14</sup> <https://www.epa.gov/system/files/documents/2022-10/bh508>
- <sup>15</sup> <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>
- <sup>16</sup> <https://www.epa.gov/pesticide-applicator-certification-indian-country/definition-indian-country>
- <sup>17</sup> <https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>
- <sup>18</sup> <https://www.epa.gov/tribal/epa-policy-consultation-and-coordination-indian-tribes>
- <sup>19</sup> <https://www.epa.gov/enforcement/transmittal-final-guidance-enforcement-principles-outlined-1984-indian-policy-january>
- <sup>20</sup> <https://www.epa.gov/tribal/tribes-approved-treatment-state-tas>
- <sup>21</sup> <https://www.epa.gov/enforcement/transmittal-questions-and-answers-tribal-enforcement-process-april-17-2007>
- <sup>22</sup> [https://www.epa.gov/sites/default/files/documents/commrestrictions-nakayamamemo030806\\_0.pdf](https://www.epa.gov/sites/default/files/documents/commrestrictions-nakayamamemo030806_0.pdf)
- <sup>23</sup> <https://www.epa.gov/enforcement/joint-collection-penalties-state-and-local-governments-and-federally-recognized-indian>
- <sup>24</sup> <https://www.ecos.org/documents/ecos-green-report-alternative-compliance-monitoring-strategies/>
- <sup>25</sup> <https://www.epa.gov/compliance/clean-water-act-national-pollutant-discharge-elimination-system-compliance-monitoring>
- <sup>26</sup> <https://www.epa.gov/compliance/compliance-monitoring-strategy-resource-conservation-and-recovery-act>
- <sup>27</sup> <https://www.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy>
- <sup>28</sup> <https://www.epa.gov/compliance/compliance-monitoring-strategy-federal-insecticide-fungicide-and-rodenticide-act-fifra>
- <sup>29</sup> <https://www.epa.gov/compliance/compliance-monitoring-strategy-toxic-substances-control-act-tsca>
- <sup>30</sup> <https://www.epa.gov/data/digital-strategy>
- <sup>31</sup> <https://echo.epa.gov/report-environmental-violations>
- <sup>32</sup> <https://www.ecos.org/documents/resolution-98-9-u-s-epa-enforcement-in-delegated-states/>
- <sup>33</sup> <https://www.epa.gov/compliance/state-review-framework-srf-guidance-documents>
- <sup>34</sup> <https://www.epa.gov/compliance/revised-policy-framework-stateepa-enforcement-agreements>
- <sup>35</sup> <https://www.epa.gov/compliance/national-strategy-improving-oversight-state-enforcement-performance>
- <sup>36</sup> <https://www.epa.gov/compliance/guidance-issuing-federal-epa-inspector-credentials-authorize-employees-state-tribal>
- <sup>37</sup> <https://www.epa.gov/irmpoli8/environmental-information-policy-procedures-and-standards>
- <sup>38</sup> <https://www.epa.gov/irmpoli8/epa-qa-field-activities-procedures>



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- <sup>39</sup> <https://www.epa.gov/compliance/final-policy-inspection-report-timeliness-and-standardization>
- <sup>40</sup> <https://www.epa.gov/compliance/guidance-issuing-federal-epa-inspector-credentials-authorize-employees-state-tribal>
- <sup>41</sup> [https://inspector.epa.gov/inspector/index.php/Wiki\\_Home](https://inspector.epa.gov/inspector/index.php/Wiki_Home)
- <sup>42</sup> <https://www.epa.gov/lead/final-strategy-reduce-lead-exposures-and-disparities-us-communities>
- <sup>43</sup> <https://www.epa.gov/lead/federal-action-plan-reduce-childhood-lead-exposure>
- <sup>44</sup> <https://www.epa.gov/system/files/documents/2023-06/effective-partnerships-between-epa-and-the-states-in-civil-enforcement-and-compliance-assurance-062123.pdf>
- <sup>45</sup> <https://www.epa.gov/compliance/clean-air-act-national-stack-testing-guidance>
- <sup>46</sup> <https://www.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs>
- <sup>47</sup> <https://www.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources>
- <sup>48</sup> <https://www.epa.gov/rmp/guidance-conducting-risk-management-program-inspections-under-clean-air-act-section-112r>
- <sup>49</sup> <https://www.epa.gov/compliance/npdes-reporting>
- <sup>50</sup> <https://www.epa.gov/enforcement/enforcement-management-system-national-pollutant-discharge-elimination-system-clean>
- <sup>51</sup> <https://www.epa.gov/compliance/clean-water-act-national-pollutant-discharge-elimination-system-compliance-monitoring>
- <sup>52</sup> <https://www.epa.gov/cwa-404/federal-enforcement-section-404-program-clean-water-act>
- <sup>53</sup> <https://www.epa.gov/planandbudget/national-program-guidances-npgs>
- <sup>54</sup> [https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap\\_final-508.pdf](https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf)
- <sup>55</sup> <https://www.epa.gov/lead/final-strategy-reduce-lead-exposures-and-disparities-us-communities>
- <sup>56</sup> <https://www.epa.gov/lead/federal-action-plan-reduce-childhood-lead-exposure>
- <sup>57</sup> <https://www.epa.gov/compliance/fiscal-year-2022-2025-fifra-cooperative-agreement-guidance>
- <sup>58</sup> <https://www.epa.gov/compliance/toxic-substances-compliance-monitoring-grant-guidance-fiscal-year-2022>
- <sup>59</sup> <https://www.epa.gov/planandbudget/national-program-guidances-npgs>
- <sup>60</sup> <https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps>
- <sup>61</sup> <https://sam.gov/fal/1e72834b28584fb6b457ae834117b1b0/view>