

National Federal Facilities Compliance & Enforcement FY 2016 Program Agenda

U.S. government facilities comprise one of the largest and most diverse sectors in the nation and have a significant environmental footprint. EPA's federal facilities enforcement and compliance assurance program endeavors, under **Strategic Goal 5 of Protecting Health and the Environment by Enforcing Laws and Assuring Compliance** to hold federal government agencies accountable to the same standard of environmental compliance as other members of the regulated community. Accordingly, OECA's Federal Facilities Enforcement Office (FFEO) and its Regional counterparts use compliance assistance, compliance monitoring, and enforcement to ensure facility compliance and environmental stewardship in the federal sector. Timely and appropriate enforcement is applied, whenever necessary. As good environmental stewards, the federal government can set an example for the rest of the regulated community.

EPA is improving the effectiveness of its enforcement and compliance program by implementing new compliance assurance tools, such as electronic monitoring and reporting, and innovative enforcement strategies to supplement more conventional approaches, as associated with EPA's "Next Generation Compliance" initiative.

In FY 2015, EPA's federal facilities enforcement and compliance program, in conjunction with the Regions, continued to adapt and re-shape its program to better fit changing priorities and fiscal realities. As a result, a more flexible national *Program Agenda* was adopted. In FY 2015, FFEO also sought to more closely align its various federal facility sector activities, including its Annual Commitment System (ACS) obligations, with EPA's **National Enforcement Initiatives (NEIs)** and other **Cross-Agency Strategies and Regional environmental enforcement priorities** whenever possible. In FY 2016, FFEO seeks to continue this approach.

For FY 2016, EPA, in addition to increased emphasis on the NEIs and other Agency and Regional environmental enforcement priorities, will focus on the following **federal facility enforcement priority areas**:

- **Vulnerable Communities**: Environmental justice including the cross-Agency strategy "Working to Make a Visible Difference in Communities;" EJScreen identified federal facilities that align with EJ national priorities; and Regional vulnerable community priorities, including those in Indian country.
- **Risk Management Plan - CAA 112(r)**: Compliance monitoring and enforcement as a follow up to required federal facility risk management plans.
- **RCRA**: Federal medical facilities which manage hazardous waste; Large Quantity Generators (LQGs) which have not been inspected by EPA or a state in five years; and federal facilities which fall into other federal facility enforcement priority areas which also manage RCRA hazardous waste, and could make multimedia inspection targets. In FY16 the federal facilities program will also begin evaluating federal facilities potentially subject to air emission requirements for hazardous waste pursuant to RCRA Subparts AA (treatment unit process vents), BB (valves, flanges, pumps, compressors, pipe runs and pressure relief equipment) and CC (tanks, surface impoundments, and containers).
- **NPDES Industrial Stormwater**: Federal facilities such as post offices, ship building or repair yards, airports, hazardous waste treatment, storage or disposal facilities (TSDF), and scrap recycling facilities.
- **SDWA**: Inspection and enforcement of federally owned/operated drinking water systems and underground injection control (UIC) wells.
- **Climate Change**: EPA Regional climate change adaptation plans. These plans outline Regional climate change impacts expected and priority actions to address these impacts. In some instances, Regions will inspect federal and other facilities in FEMA floodplain zones and which manage hazardous waste, oil, and toxic chemicals and/or are dischargers of storm water, to determine whether they are in compliance, and suggest best management practices.
- **GOCO/GOPO**: Federal government owned/contractor operated and government owned/private operated facilities and energy extraction (aligns with national OECA-wide initiative), government land management program issues.
- **Emerging Priority Areas**: Develop regional or HQs priority areas that apply to federal facilities and which may contain components of other priority areas. Those with potential for national case development are encouraged.

In this sector, EPA will also:

- Continue to adopt creative work sharing arrangements and exploit new Agency initiatives, such as the One EPA Skills Marketplace and SharePoint, to more fully utilize EPA resources to address compliance and enforcement needs at federal facilities.
- Continue to foster collaboration between OECA, FFEO, and the Regions to identify and implement Next Generation Compliance opportunities to create more effective and efficient enforcement in this sector.
- Continue collaboration on FedCenter (fedcenter.gov) and other compliance assistance activities when appropriate.
- Continue to promote appropriate enforcement response, as warranted, and to encourage the creative use of EPA enforcement and settlement tools such as orders, field citations, expedited settlements, and supplemental environmental projects in accordance with EPA policy.

COMPLIANCE MONITORING: EPA will continue, in conjunction with state regulators, to strive to meet all statutory federal facility inspection requirements. FFEO will continue to include, under its single ACS commitment, that each Region inspect at least 10 federal facility on-site inspections associated with the EPA NEIs, other Agency-wide and Regional environmental enforcement priorities, and the federal facility enforcement priority areas listed above. The Agency will make every effort to assure that there are at least 100 EPA-led federal facility enforcement on-site inspections in FY 2016. FFEO will continue to provide targeting, contractor inspection and travel funding support to the Regions to the fullest extent possible.

OUTREACH: EPA will continue to maintain and enhance its federal facilities enforcement web site based upon the new electronic "*Yellow Book*" *Guide to Environmental Enforcement and Compliance at Federal Facilities*. EPA will maximize its use of **FedCenter**, the federal facility environmental stewardship and compliance assistance center, to deliver assistance tools and training opportunities and where appropriate, make use of e-reporting mechanisms. FFEO will continue to reduce its leadership role at FedCenter as other federal agencies assume more responsibility in this area. As much as possible, the EPA will partner with other entities in the delivery of compliance assistance and will focus mainly on the "wholesale" aspects of assistance (e.g., tool development) limiting "retail" assistance as a means to fulfill direct implementation responsibilities or to address high priority environmental or public health problems.

CLEANUP/LAND RESTORATION: EPA's federal facilities **enforcement and compliance assurance** program also strives to achieve the EPA's **Strategic Goal 3 of Cleaning Up Communities and Advancing Sustainable Development** by overseeing federal facility cleanup of contaminated property. EPA will continue to measure the volume of contaminated media addressed by its actions, target enforcement to the highest priority sites and to those instances where the biggest potential return is realized on our enforcement dollars. This year the program will focus on:

- Taking timely and appropriate enforcement actions to address noncompliance at federal cleanup sites.
- Addressing, as appropriate, situations involving federal facilities or agencies which may present a hazard or endangerment to human health or the environment considering the full array of applicable statutory authorities.
- Using enforcement tools and authorities, as appropriate, to investigate and address federal sites with emerging contaminants such as perfluorinated chemicals.
- Collaborating with OSWER to continue the implementation of its FEDFacts to promote greater cleanup progress and increased public accountability at federal facility sites listed in EPA's Federal Agency Hazardous Waste Compliance Docket (Docket).
- Timely completion of CERCLA Federal Facility Agreements (FFAs).
- Integrating Corrective Action at federal sites into the National Enforcement Strategy for Corrective Action (NESCA).
- Developing properly written site documents to support timely cleanup, oversight, and future decision-making and enforcement actions, if needed.
- Assuring proper and enforceable safeguards are in place for long-term stewardship at cleanup sites.
- Working with OSWER/FFRRO on enhancing effective communication using the avenues already in place.